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City of Toronto

EXECUTIVE COMMITTEE

REPORT No. 40

FOR CONSIDERATION BY THE COUNCIL OF THE CORPORATION OF THE CITY OF TORONTO ON OCTOBER 3, 1983.

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FOR CONSIDERATION BY THE COUNCIL OF THE CORPORATION OF THE CITY OF TORONTO ON OCTOBER 3, 1983.

1

SUNDAY STORE OPENINGS

Section 4 of The Retail Business Holidays Act permits a municipality to exempt areas and types of retail establishments from the general requirement of Sunday and Holiday closings. The municipality, in this instance the Corporation of Metropolitan Toronto, may grant such exemptions upon the recommendation of the area municipality, in this instance the Corporation of the City of Toronto.

In accordance with a policy adopted by the Council of the City of Toronto in 1979, no such exemptions have been granted since 1977. However, at its meeting held on August 8, 1983, City Council adopted the recommendation of the Executive Committee, as contained in Clause 45 of its Report No. 34, that the Executive Committee hold a special evening meeting in September, 1983, to hear deputations in respect of designations of "tourist areas" under Section 4 of The Retail Business Holidays Act, and to make recommendations to Council to reaffirm its policy or to make further exemptions.

APPLICATIONS FOR EXEMPTIONS UNDER THE RETAIL BUSINESS HOLIDAYS ACT

HARBOURFRONT

Communication dated June 30, 1983, from Mr. Howard Cohen, Harbourfront

We would request your favourable consideration in recommending the designation of Harbourfront as a tourist area under The Retail Business Holidays Act.

Most people in Toronto consider the waterfront very much a Sunday place. Following the example of North American waterfront cities, Boston and Baltimore being prime examples, Sundays have become our busiest days during the year, winter or summer.

In Toronto, at Harbourfront the tradition of Sunday shopping is already established. The weekly antique market, craft fares, community bazaars, marine activities, and souvenir and craft shops are now, for various reasons, exempt from Sunday closing requirements. Together, with our many cultural programmes, these retail and shopping activities of course are critical to the vitality that has become Harbourfront's image. Designation as a tourist area would allow additional small specialty stores to remain open as part of the exciting waterfront mix of activities.

There are several reasons why a Harbourfront tourist designation might be considered without establishing a precedent:

1. Unlike other areas of the City, Harbourfront is already perceived by the public as a Sunday place, oriented to family activities.

2. It is crucial for the economic health of Toronto's waterfront that it serve the tourist and visitor market which is most likely to be attracted on Sundays.

3. Harbourfront is a recreational and cultural area within which shopping activities lend variety and interest. Harbourfront is not and will never become a primarily retail area in the City.

4. Harbourfront is physically separate from the remainder of the City. Sunday openings would not interfere with surrounding neighbourhoods or communities.

5. The shopping activities at Harbourfront are of a highly specialized nature. They consist primarily of small stores and shops, booths and carts. There are no department stores, chain stores or supermarkets to contend with.

6. With the present level of activity at Harbourfront on Sundays, the staff who work for our cultural and recreational programmes, as well as those who work for the privately owned restaurants, food services, marine craft and souvenir stores, and boat tours, all work on many Sundays of the year. (Most start after 11:00 a.m. and tend to be given Mondays off to compensate.) It would be unusual for an employee of a waterfront enterprise oriented to the public not to work on Sundays.

Queen's Quay Terminal opened at Harbourfront on June 24, 1983. Its opening weekend certainly demonstrated that the public expected Harbourfront activities to be open on Sunday. Although now sufficiently leased to be of interest, the opening of the Terminal also showed that the lack of certainty about Sunday openings inhibited the full leasing of the retail space.

Finally, and perhaps most important, Members of City Council should keep in mind that it is the City's policy to encourage retail uses at the ground level of buildings at Harbourfront. This is because under the Zoning By-law private space and residential uses are not allowed on the ground floor of most buildings to be developed. This provision was implemented because the City wished to encourage activities open to the public along the promenades, walkways, and parks at Harbourfront. It is vital to the success of these stores that they be able to benefit from the public attracted to Harbourfront on Sundays. Since the retail areas at Queens Quay Terminal and a further approximately 100,000 square feet at Spadina Quay will be the main shopping foci at Harbourfront, we are not proposing a hugh amount of retail space. Rather, we are requesting that these shopping activities at Harbourfront which form a very necessary part of the waterfront ambience be allowed to remain open on Sundays, consistent with the raminder of Harbourfront's shopping recreational, and cultural activities.

Permission to open on Sundays would be of considerable assistance in encouraging retail activities to locate on the waterfront. It may be vital to attracting shopkeepers that they are able to benefit from the traditional waterfront Sunday peak. Ultimately, it would help to achieve the City's and Harbourfront's objective for the development of our lands as an amenity for Torontonians and a major tourist attraction.

Communication dated September 7, 1983, from Mr. Jeffery S. Lyons, Solicitor, Lyons Arbus, on behalf of Harbourfront Corporation

Harbourfront is requesting that the City of Toronto recommend to Metropolitan Toronto that a by-law be passed in accordance with Retail Business Holidays Act designating Harbourfront as a Tourist Area.

A summary of the facts in support of this application is as follows:

1. Harbourfront is a unique tourist and recreational area requiring Sunday openings for the maintenance of its current programming and the development of the area in accordance with its potential as Toronto's most important tourist industry.

2. Harbourfront, like many waterfront projects in North America, is a Sunday-kind-of-place where the majority of its visitors arrive on Sundays.

3. Retail is not the predominant attraction at Harbourfront but it is clearly an important component of the attractions featured there; the cultural and recreational activities which draw tourists and residents year-round to the site.

4. The City of Toronto has previously recognized the role of retail uses at Harbourfront by requiring that such uses be located on the ground floor of most buildings at Harbourfront.

5. It is crucial to the survival of retail merchants at Harbourfront that they be permitted to do business during the heaviest traffic periods. Unlike other areas of the City, Sunday openings at Harbourfront are an economic necessity for retail merchants at Harbourfront.

6. Retail merchants at Harbourfront cater to curio seekers, tourists, souvenir and gift buyers. Notably absent are department stores, chain stores and other retail uses commonly associated with commercial shopping centres.

7. Harbourfront is uniquely separated from neighbourhoods and commercial areas, thus removing the concern that Sunday openings will have an impact on neighbouring land uses.

8. Harbourfront is a publicly owned non-profit organization in which all returns from operations are re-invested into the operations and development of the facility.

9. Tourism is Metropolitan Toronto's largest industry, generating two billion dollars in revenue every year. Harbourfront is Toronto's most comprehensive tourist and recreational facility and requires the support of local government.

Harbourfront and its Origins

Harbourfront is a popular, growing cultural and recreational complex on the Toronto waterfront. It is administered by a corporation chartered in the Province of Ontario, the only shareholder of which is the Federal Government. The Minister of Public Works appoints a board of directors drawn from the local community and business sectors, and including representatives of the City of Toronto and Metropolitan Toronto. A Toronto-based management staff is responsible to the board for the day-to-day operation of this site, and for the planning and development of Harbourfront's future.

Over ten years ago, the Federal Government announced plans to purchase virtually all of Toronto's central waterfront as a gift to the people of Toronto to allow for its redevelopment. In June 1980, this commitment was reinforced by the announcement of further federal financial support for a development strategy that would transform the whole site.

It is expected that by 1987 Harbourfront will be completed as a unique waterfront recreation centre with half of its area committed to be used as parkland and open space, and containing a wide mix of cultural, entertainment, residential and commercial uses.

The commitment to Harbourfront included approximately $27.5 million in public money in 1980 and an estimated $300 million in private investments. Development principles were approved which encourage a year-round recreational environment, featuring and highlighting Toronto's unique and beautiful waterfront with a strong mix of activities appealing both to the local community and visitors to Toronto alike. Harbourfront's success over the last few years has attracted large increased capital contribution from the Federal Government and the Province of Ontario, and growing operating grants from every level of government, the private sector, foundations and institutions.

What Happens at Harbourfront?

Listed below are just some of the unique cultural and community events which are featured at Harbourfront every year. Harbourfront has been carefully designed to be Toronto's cultural and recreational showcase of the future.

- Traditional Jazz Series

- Classical Music Series
- Film Festivals
- Contemporary Dance Series
- International Authors' Festival
- Harbourfront Antique Market
- Learn to Sail Centre
- Children's playgrounds, camps and weekend recreation activities
- School by the Water
- Seniors' program
- February Winter Carnival
- Outdoor Summer Concerts
- Canada Day Festival
- Canadian Opera Company Summer Festival
- Toronto International Children's Festival
- Contemporary Art Gallery
- Community & Photography Galleries
- Craft Studios and Craft Festivals
- Community Festivals (eg. Macedonian, Philippine, Chinese, West Indian, Scottish)

Harbourfront and Tourism

Two billion dollars every year are spent by tourists in Metropolitan Toronto. The tourist industry is said to be Metropolitan Toronto's largest employer, with 70,000 employees associated with this labour-intensive industry. Generally those employed by the tourist industry are semi-skilled or unskilled labourers, those most affected by economic fluctuations in other areas of the economy.

Studies conducted have indicated that most recreational visitors arrive in Toronto for weekend excursions and list retail shopping as one of their primary activites.

Harbourfront is equipped with a series of unique features which are contributing to its meteoric rise in popularity as one of Toronto's foremost tourist attractions. With the completion of each phase of the Harbourfront development program, it is expected that Harbourfront, by 1987, will be the most sophisticated recreational area of its kind in the country.

Geographic Location

With its proximity to the Centre Island Ferry Docks, Ontario Place, the CNE grounds, and the CN Tower, Harbourfront will constitute the focal point of these renowned tourist attractions.

Harbourfront is uniquely separated from adjoining land uses, being a self-contained area below the Gardiner Expressway bordered by Bathurst and York Streets. There are no adjacent neighbourhoods or commercial areas to be confused with, or disturbed by, the unique Harbourfront development.

Harbourfront has been specifically described in By-law 20623 as amended by By-laws No. 569-80, No. 92-81, No. 356-81, No. 639-81, No. 693-81, No. 752-81, No. 24-82 and No. 177-82 as being that part of the City of Toronto located within the areas delineated by the heavy lines on Map 1 of 2 and Map 2 of 2 attached to and forming a part of the By-law.

Retail Uses at Harbourfront

Together with the wide and varied cultural and recreational uses we have described, Harbourfront includes a colourful array of specialty stores, boutiques, and restaurants to be explored and enjoyed by the estimated 2 million people who will visit Harbourfront this year. Prospective Harbourfront retailers are carefully screened and administered such that the products and wares sold by them are in keeping with the holiday and recreational atmosphere of Harbourfront.

Unlike other shopping areas which attract tourists in Toronto, Harbourfront's retail activities are clearly ancillary and supportive to the multicultural events and tourist attractions occurring year round at Harbourfront. Notably absent are department stores, supermarkets, chain stores, and other retail uses commonly associated with commercial shopping centres. The Queen's Quay Terminal building in particular with its three dramatic atria and village market atmosphere attracts curio seekers, souvenir and gift buyers but certainly not the "shopper" for normal retail wares.

A unique retail concept has been incorporated in the Queen's Quay Terminal building whereby vendors of handicrafts and other gifts and specialty items are permitted to rent brightly-coloured push carts reminiscent of European village marketplaces. The push cart vendors, for a fraction of the price of entering into a commercial lease, may rent the push carts for as little as a week so that new ideas may be tried out cheaply in this uniquely fun-filled atmosphere.

The Legislation

The Retail Business Holidays Act, R.S.O. 1980, prohibits the sale on Sunday of products not exempted by the Act.

Specific exemptions are as follows:

1. Foodstuffs.
2. Newspapers or periodicals or tobacco or articles required for the use of tobacco.
3. Antiques.
4. Handicrafts.
5. Living accommodation.
6. Prepared meals.
7. Laundromats.
8. Boat or vehicle rental.
9. Repair and service of vehicles or boats.
10. Gasoline and motor oil.
11. Nursery stock or flowers and gardening supplies.
12. Fresh fruit and vegetables from April until November.

It is estimated that approximately one-half of the retail vendors at Harbourfront are already exempt under the foregoing provisions. The chief difficulty for some of these merchants has been the interpretation by law enforcement agencies of "handicrafts" in this context.

Another exemption exists in s. 3(4) of the Act wherein retail business establishments which have remained closed for a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding Sunday are permitted to open Sunday under certain restricted conditions.

Unfortunately, this does not effectively deal with the problem being experienced by retailers at Harbourfront in that the exception effectively eliminates Saturday opening. Retailers presently affected by the legislation agree that an effective compromise would be to close Mondays or such other mid-week day as may be designated.

Why Sunday Openings at Harbourfront?

Harbourfront from its inception has been marketed as a "Sunday kind of place", with its heaviest programming and heaviest audiences occurring on Sunday. On a yearly average about five times as many people visit Harbourfront on Sundays as on weekdays.

In particular the Harbourfront concept typifies our perception of Toronto Sunday recreation. Activities are family-oriented, and on Sundays typically include the ever-popular Antique Market, concerts and recreational events and a host of annual competitions, festivals and exhibits.

Retail uses at Harbourfront are typically a compatible extension to these Sunday events and afford visitors access to a showcase of Toronto's crafts, curios and specialties.

As tourist and traffic levels decrease substantially during the winter months and during midweek it is essential for the maintenance and development of Harbourfront as a tourist and recreational area that the retail uses be given access to their market.

Unlike any other area of Toronto, the City's by-laws governing land use at Harbourfront contemplate retail uses as being an integral part of the development of Harbourfront. This was done in order to ensure that activities open to the public would always be available along the promenades, walkways and open spaces at Harbourfront. In order for these goals to be achieved every encouragement must be afforded retailers who are faced with a highly-specialized market and substantial isolation from the non-tourist, non-recreational market.

Labour

Retail establishments at Harbourfront are chiefly staffed by students and other part-time workers on Sundays. Generally speaking, the majority of workers in tourist or recreational areas work weekends and take their days off during slower periods in the week.

Economics

It is crucial for the development of the waterfront and the financial success of Harbourfront that it contain a healthy component of retail uses. Since there is a very strongly-established tradition in Toronto (and other North American cities) of visiting the waterfront on weekends, it is imperative that storekeepers be able to do business during the heaviest traffic periods. The tourist and recreational business thus stimulated is an economic necessity for the waterfront, and Toronto in general. Without Sunday openings, retail uses at Harbourfront will not succeed, the development concept will be considerably weakened, and the overall recreational and cultural programs supported by Harbourfront would be severely weakened.

Current Exemptions

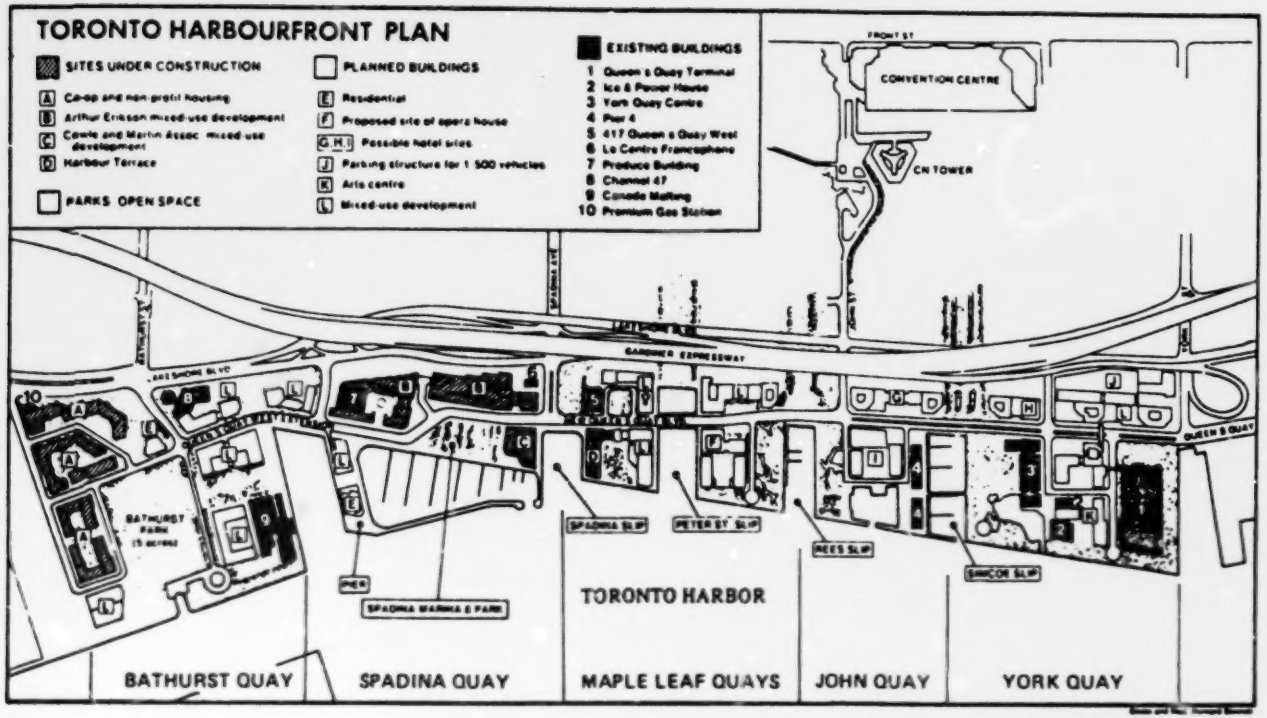
At present, the following classifications of businesses have been exempted from the application of The Retail Business Holidays Act:

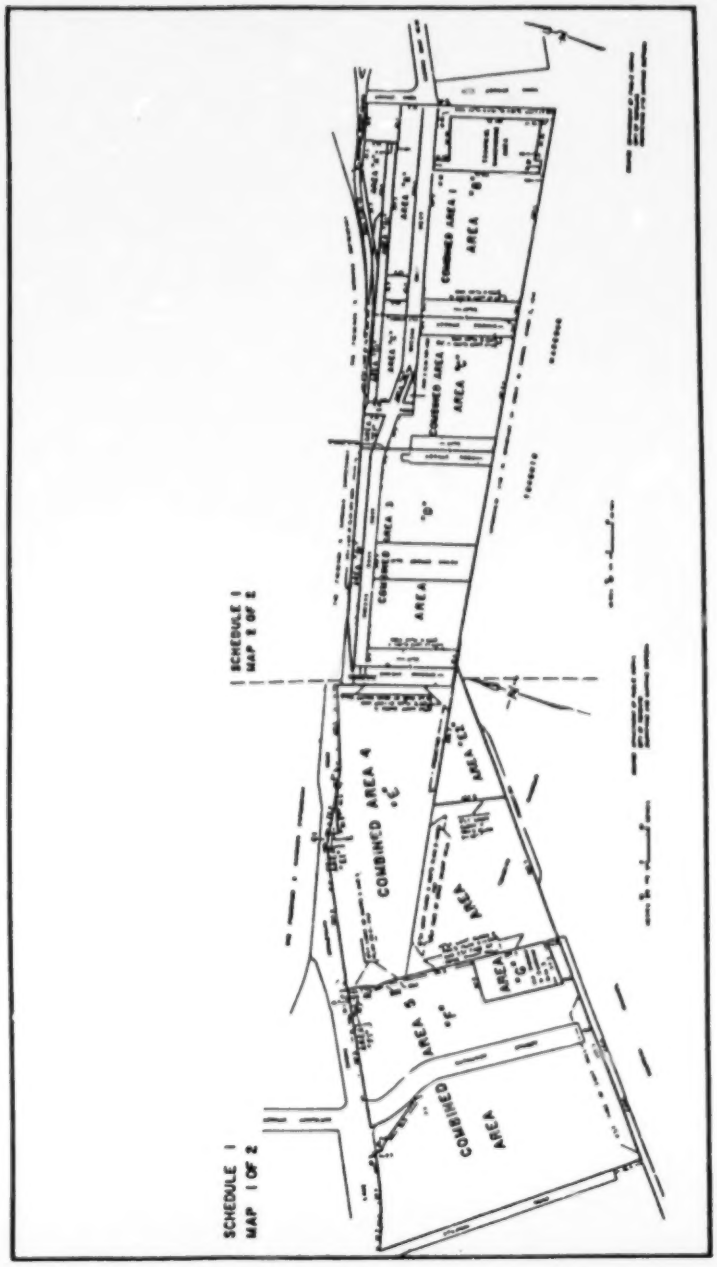
- CN Tower
- Markham Street Village
- Chinatown and Chinatown West
- Hotels with over 50 guest rooms

It is our submission that Harbourfront is a suitable and appropriate extension to this list of exemptions and that to allow Sunday openings for the type of retail use currently found at Harbourfront would be consistent with the aspiration of the City of Toronto for the development and success of this unique recreational facility. Moreover, we would submit that unlike other areas of the City which may be considered, Harbourfront requires Sunday openings in order to grow and thrive as a tourist and recreational attraction.

Recommendation: It is requested that Council for the City of Toronto recommend to Council for the Municipality of Metropolitan Toronto that a by-law be passed pursuant to the provisions of the Retail Business Holidays Act, R.S.O. 1980, C. 453 (the "Act") s. 4(2) exempting Harbourfront (as described and defined in By-law 569-80 as amended) from the provision of s.2

of the Act to the effect that all classes of retail businesses at Harbourfront be permitted to engage in retail business activities on holidays as defined in the Act.


TORONTO HARBOURFRONT PLAN
SITES UNDER CONSTRUCTION
A Co-op and non-profit housing
B Arthur Erickson mixed-use development
C Cowie and Martin Assoc. mixed-use development
D Harbour Terrace
PARKS, OPEN SPACE
PLANNED BUILDINGS
E Residential
F Proposed site of opera house
G, H, I Possible hotel sites
J Parking structure for 1,500 vehicles
K Arts centre
L Mixed-use development
EXISTING BUILDINGS
1 Queen's Quay Terminal
2 Ice & Power House
3 York Quay Centre
4 Pier 4
5 417 Queen's Quay West
6 Le Centre Francophone
7 Produce Building
8 Channel 47
9 Canada Malting
10 Premium Gas Station
FRONT ST
CONVENTION CENTRE
CN TOWER
SPADINA AVE
GARDINER EXPRESSWAY
LAKE SHORE BLVD
QUEEN'S QUAY
BATHURST Public (5 acres)
SPADINA MARINA & PARK
SPADINA SLIP
PETER ST. SLIP
REES SLIP
SIMCOE SLIP
TORONTO HARBOR
BATHURST QUAY
SPADINA QUAY
MAPLE LEAF QUAYS
JOHN QUAY
YORK QUAY


SCHEDULE 1
MAP 2 OF 2
SCHEDULE 1
MAP 1 OF 2
COMBINED AREA 4
AREA 5
COMBINED AREA

Presentation made by Mr. Jeffery Lyons, Solicitor, Lyons Arbus, on behalf of Harbourfront Corporation

My name is Jeffery Lyons, and I am speaking in support of the application by Harbourfront for exemption from the provisions of The Retail Business Holidays Act, which is an Act of the Ontario Legislature regulating retail activity in Ontario on Sundays and statutory holidays.

Section 4 of the Act provides a mechanism whereby a municipality, by by-law, provides that the prohibitions contained in the Act do not apply to a specified class of retail business establishments for such periods of time and in such parts of the municipality as may be specified in the by-law in circumstances where it is essential for the maintenance or development of a tourist industry.

On the subject of tourism in Metropolitan Toronto, it should be noted that two billion dollars are spent every year by tourists in Metro. The tourist industry is said to be Metro's largest employer with 70,000 employees associated with this industry.

Now the Act is quite specific that exempting by-laws passed by municipalities must be based on the notion that the purpose of permitting Sunday openings is to assist in the maintenance or development of a tourist industry, these by-laws have been successfully challenged at the Ontario Municipal Board.

The plans to develop Harbourfront as a tourist and recreational area began over ten years ago when the Federal Government announced its plans to purchase virtually all of Toronto's central waterfront area as a gift to the people of Toronto so as to allow for its re-development as a recreational and tourist area. It is expected that the physical development of Harbourfront as a recreational and tourist area will continue over the next seven years with the last phase scheduled to be completed in 1990.

According to a survey commissioned by Harbourfront and conducted by the Gallup organization, Harbourfront is the single most often mentioned tourist location which will be most important to the City of Toronto two or three years from now. As well, the waterfront area was the single most frequently named area of Toronto which is thought to attract the greatest number of tourists.

It is very important that we draw a curtain between Harbourfront and the other applicants appearing before this Committee. Here are the reasons why:

1. Harbourfront is a tourist and recreational area in its own right, providing cultural and recreational activities on Toronto's waterfront. Unlike other applicants, Harbourfront is not merely a collection of stores which attract tourist patronage. Our survey indicates that 78% of Torontonians perceive that Harbourfront is different from other tourist areas in Toronto. The retail uses at Harbourfront are merely ancillary to the cultural and recreational activities at Harbourfront and retail shopping can be said to be the second or third reason why people are attracted to the Harbourfront area.

2. Harbourfront is also unique due to its geographical location. Unlike other tourist areas, Harbourfront is uniquely separated from adjoining land uses, being a totally self-contained area below the Gardiner Expressway. There are no adjacent neighbourhoods or commercial areas to be confused with or disturbed by the Harbourfront development.

3. Harbourfront is a publicly owned and non-profit organization in which all returns from operations are re-invested into the operations and development of the facility.

4. Retail merchants at Harbourfront cater to curio seekers, tourists, souvenir and gift buyers. They are carefully screened and hand-picked so as to fall within this category and to provide the largest contribution possible to the Harbourfront image. Notably absent are department stores, chain stores and other retail uses commonly associated with commercial shopping centres.

On the labour issue, it should be remembered that the majority of employees at Harbourfront presently work on Sundays. All of the marinas, tour-boat operations, restaurants, cultural events and the antique market are in peak operation on Sundays, and their survival depends on this.

Tourism does not grind to a halt on Sundays. It is important to note that Harbourfront has been marketed as a Sunday-kind-of-place, and in fact, draws its largest crowds on Sundays. For these reasons, it is clearly essential that retail merchants at Harbourfront be permitted to serve their largest weekly market, not only to ensure their own survival, but to ensure the survival of the multifaceted Harbourfront concept.

All of the three major Toronto newspapers have featured editorials supporting Sunday openings at Harbourfront. Our survey indicates that 82% of Toronto residents support Sunday openings at Harbourfront. This evening, we are looking for your support.

Communication dated August 31, 1983, from Ms. M. McGarry and Ms. Kimberley Rinaldo, Tennis Lady

We respectfully request an opportunity to speak to your Committee hearing on the captioned subject, at which time we wish to raise the following arguments in favour of creating Harbourfront, and in particular Queen's Quay Terminal, a 'Tourist Destination' with Sunday Openings lawfully permitted.

Tennis Lady is a specialty store selling women's active wear in two location's; Queen's Quay Terminal and Hazelton Lanes. It is privately owned by the undersigned, caters to the tourist trade in particular American tourists and is responsible in a modest way for local manufacture of clothing.

We believe that Queen's Quay Terminal as renovated and leased is a good response to planning requirements of use and design. The City of Toronto having had the foresight to insist on a major Retail component for the project, will also recognize that commercial viability will rely on weekend and in particular Sunday traffic.

Harbourfront is a wonderful amenity for Toronto, a striking example of good planning, with an exciting future. If it is to continue to draw tourist traffic on a year long basis and maintain the momentum that has been created at Queen's Quay Terminal, we feel that Sunday Openings are necessary.

With regard to the moral issue; we believe that Toronto is a tolerant, mature City, able to accommodate diverse religious beliefs and will in this instance set aside restrictive practices.

Our staff support us in this matter.

Communication dated September 7, 1983, from W. H. Barclay, President, Barkhor Inc.

As a merchant owning a store in Queen's Quay Terminal, I would like to offer the following comments concerning the question of Sunday Openings. It seems to me there are five major considerations for Sunday openings and I list them below:

1. The public or a sizeable portion of it clearly wants Sunday Opening. No merchant stays open if nobody comes to the store. If Sunday opening was not economically viable the stores would close, therefore, the figures prove the popularity of Sunday Opening.

2. Sunday is a convenient shopping day for families in which both adults work. This has become increasingly more common and modern society demands changes. The days of the husband working while the wife stays home are rapidly changing and not everybody really wants to shop on Thursday and Friday nights after a hard days work.

3. Sunday Opening provides extra employment in the Retail Sector in times of desperate unemployment. It seems that anything to get people off the government payroll should be encouraged rather than discouraged. This would particularly affect the young who make up the majority in the Retail Sector and are the hardest hit by recession.

Our company would be able to add one more full time employee with all the related benefits rather than having somebody on the uncertainty of part time. If this were extended across the province it could provide up to 16% more jobs in the Retail Sector.

4. The lack of Sunday Opening discriminates against all the people of Canada who are of different religious or ethnic backgrounds. For Jews, Muslims, Hindus, Buddhists, Agnostics and even some Christians Sunday is an ordinary day and they would welcome the chance to shop particularly those whose religious observances fall on other days. As Canadian society changes our institutions must change with it.

5. Harbourfront is obviously a tourist sight. Various levels of government have spent millions of dollars to make it so. It seems insane for the City of Toronto not to recognize it as such. Zoning the waterfront as a tourist area would be a simple matter as it would affect only the waterfront. The decline in activity in this area in winter proves the point.

Therefore, I would urge the Executive Committee to let the people decide whether they will support Sunday Opening or not. Should this not be politically possible, although court decisions may in future render it legally necessary, then at least recognize the obvious and designate the Harbourfront area as a tourist location.

Communication dated September 12, 1983, from Ms. Robina Bernard, Helium Hi's

On behalf of those associated with Helium Hi's the following are some reasons why we support Sunday openings for Queen's Quay terminal and request positive action towards legislation to make this possible.

1. Large numbers of Sunday shoppers indicates public support.

2. Unsolicited positive comments for Sunday openings from week-day shoppers/visitors are frequently expressed.

3. Our store does more business during one Sunday afternoon than two week days combined.

4. Our waterfront is an area of great pride for our City, its' citizens and visitors and as such, all aspects of its' development can only be fully appreciated if all the services to the public are available seven days a week.

Report dated August 5, 1983, from the Deputy City Solicitor

Subject: Harbourfront Lands - designations of "Tourist areas under the Retail Business Holidays Act" - Clause 45 Executive Committee Report No. 34

Origin: Letter dated July 29, 1983, from the Secretary of the Executive Committee (c06cncl83034:167)

Comments: The aforesaid letter from the Secretary of the Executive Committee reads in part as follows:

" ... The Committee decided to recommend to City Council for its meeting on August 8, 1983, that the Executive Committee be requested to hold a special evening meeting in September, 1983, to hear deputations in respect of designations of "tourist areas" under Section 4 of the Retail Business Holidays Act, and to make further exemptions.

The Committee also requested the following reports for submission directly to Council for such meeting: ...

(b) City Solicitor to report on the application of any municipal or other by-laws or statutes with respect to the Harbourfront lands. ..."

I am presuming for the purposes of this report that the Harbourfront lands that the Committee was concerned with were those lands upon which retail businesses are being carried on and the possibility of such retail businesses being allowed to operate on "holidays" as defined in the Retail Business Holidays Act.

It is my opinion that the Retail Business Holidays Act would be applicable to such retail businesses whether or not the lands in question are owned by the federal government or private persons.

Section 2 of the Act reads as follows:

"2.-(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

"2.-(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday."

"Holiday", "retail business" and "retail business establishment" are all defined terms set out in Section 1 of the Act which reads as follows:

1.-(1) In this Act,

(a) "holiday" means,
- (i) New Year's Day,
- (ii) Good Friday,
- (iii) Victoria Day,
- (iv) Dominion Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Christmas Day,
- (viii) Boxing Day,
- (ix) Sunday, and
- (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) "retail business" means the selling or offering for sale of goods or services by retail.

(c) "retail business establishment" means the premises where a retail business is carried on.

Section 3(4) gives an alternative to being closed on Sunday. It reads as follows:

"(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where,

(a) the retail business establishment was closed to the public and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and

(b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 5,000 square feet."

The Act also provides for exemptions to the required closings for various uses such as small stores, pharmacies, special services, as detailed in Section 3 of the Act.

Section 4 of the Act allows the Metropolitan Corporation to grant exemptions to holiday closings where it is considered essential for the maintenance or development of a tourist industry. The Metropolitan Corporation has, to date designated four areas and specific types of commercial activities in accordance with the provisions of Section 4 of the Act.

I would point out that the Retail Business Holidays Act does not deal with religious holidays as such. This is in contrast to the Lord's Day Act (Canada) and the Lord's Day Ontario Act. The Lord's Day Act (Canada) prohibits with certain exceptions, the carrying on of business on Sundays.

The Lord's Day (Ontario) Act allows among other things the City to pass by-laws allowing public games and sports (except horse racing) and movies after 1:30 p.m. on Sundays that would have been prohibited under the Lord's Day Act (Canada). The Retail Business Holidays Act, of course, also allows certain retail businesses to operate under certain conditions on Sundays which would have been prohibited under the Lord's Day Act (Canada).

I would also draw to your attention By-law No. 21484 respecting closing hours of Retail Gasoline Service Stations, Gasoline Pumps and Outlets, as amended, applicable to the City as it existed prior to amalgamation with Forest Hill and Swansea. This by-law requires (among other things) the aforesaid stations, pumps and outlets to be closed on Sundays except where extension permits or emergency service permits are issued pursuant to the By-law.

Report dated August 5, 1983, from the Commissioner of Planning and Development

Subject: Designation of Tourist Areas under the Retail Business Holidays Act.

Origin: Commissioner of Planning and Development. (c71cncl83066:43)

Comments: At its meeting of July 27, 1983, the Executive Committee requested the Commissioner of Planning and Development to report directly to Council on the history of the development of the Federal waterfront lands. I will prepare a brief report on this matter and submit the same to the Executive Committee for its meeting of August 24, 1983.

The Executive Committee also requested Harbourfront Corporation to provide Council with a copy of the lease between Olympia and York and Harbourfront Corporation. I have spoken to a representative of the Harbourfront Corporation who advises that the lease is a private matter between the Corporation and Olympia and York. Harbourfront is prepared to make available pertinent information for Council's deliberation on this subject.

Further report dated August 23, 1983, from the Commissioner of Planning and Development

Subject: History of the Development of Harbourfront

Origin: Executive Committee, July 27, 1983. (c71exec83076:81)

Comments: At its meeting of July 27, 1983, the Executive Committee requested the Commissioner of Planning and Development to report on the history of the development of the Federal Waterfront Lands.

I attach hereto a brief history of the development of the lands owned by the Federal Governmen: now known as Harbourfront, that was prepared by Harbourfront Corporation.

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Harbourfront

I. History of Development

1972 - Announcement made and lands acquired by Crown as a park, through expropriation, direct acquisition, purchase of shares, etc.

- Opposition by local governments and Province, due to non-consultation.

1972-76 - Administered by Department of Public Works, followed by Minister of State for Urban Affairs.

- Conflict with local levels of government and community groups over use and future of site.

- Harbourfront Council organized to try to achieve consensus. Recommended (with the support of City and Metro) transfer of decision-making to locally based corporation of community and business people.

July/76 - Harbourfront Corporation (originally 207 Queens Quay West Limited) established as an Ontario chartered company to manage and programme the site and develop recommendations on future development. Nine-man Corporate Board consists of people from business and community sectors and one representative each from City and Metro.

1978 - New management brought in by Board.

- Development Framework document produced: This defines Harbourfront as mixed-use waterfront development relying extensively on private sector financing and development initiative. Includes a seven year plan towards operational self-sufficiency.

- City and Metro governments endorse Development Framework.

- Development Framework ensures that approximately $200 million worth of private investment can be attracted to Harbourfront, if public infrastructure worth approximately $20 million were implemented.

II.

Mar/79 - Federal Cabinet approves Development Framework and commits up to $25.8 million over next seven years towards infrastructure and operations.

- Cabinet authorizes that contract be drawn up between Federal Government and Harbourfront.

- 1979/80 contribution for year one of seven year plan is $3.5 million plus carry-over from previous year of $1.75 million for total of $5.25 million.

III.

1979/80 - First year of implementation of Development Framework - improvements to York Quay Centre and Water's Edge Promenade.

- Private sector activity increases; Multilingual Television, Canadian Underwater Training Centre, Food Services, Office Tenants at 417 Queens Quay West.

- Proposal Call to Development Industry on Spadina Quay and Harbourfront Warehouses building.

- City approves in principle, Official Plan and Zoning statutues.

- 2 changes in Federal Government delay implementation of Cabinet approvals.

IV.

June/80 - Federal Government final approval of $25.53 million to develop Harbourfront over a seven-year period, from April 1, 1980, to March 31, 1987.

- City of Toronto Council approval of Master Agreement and Official Plan and Zoning By-laws.

Jun/80 - Final negotiations entered into with private developer for renovation of Harbourfront Warehouses.

Sept/80 - Harbourfront establishes the Spadina Quay Proposal Call process, selection committee, and ultimate circulation of the second stage.

Oct/80 - Final agreement reached with Olympia and York Developments for renovation to the Harbourfront Warehouses.

1981

Mar/81 - Ontario Municipal Board approval received respecting rezoning for Harbourfront Warehouses project.

Jun/81 - 2nd Phase of Water's Edge Promenade opened.

July/81 - Construction begins of Warehouse project.

July-October 1981 - Negotiations with City of Toronto, Metro, Railways, and others respecting modifications to City Zoning and Official Plan for Harbourfront.

Sept/81 - Letters of Intent completed on Spadina Quay with Rampart Enterprises Ltd., and VKS Ltd. for approximately 400 condominium units, 10,000 sq.ft. retail and 70,000 sq.ft. of office space.

Dec/81 - OMB approval received for City of Toronto Official Plan and Zoning By-law respecting Harbourfront after a two week hearing on December 7, 1981.

1982

February-April 1982 - Renovation of north end of York Quay Centre.

June/82 - Announcement made of selection of four developers to build 500 units of non-profit housing on Bathurst Quay including Cityhome Federation, Arcadia Housing, Windward Co-operative Housing Inc., and Harbourside Co-operatives.

1983

Jan/83 - Submission of Bathurst Quay Sub-Area Plan to City for approval.

May/83 - City Council approves Spadina Quay Marina and Pier project on May 1983.

- Expression of Interest document issued for John/York Quays involving hotel, residential and commercial uses.

- Federal Government announces $23.8 million allocation to Harbourfront under the Special Capital Recovery Program. Projects will include a 1,200 car parking garage, the Spadina Pier, an artificial skating rink, new arts facilities, the Peter Street Slip bridge and improvements to Queens Quay Boulevard.

Jun/83 - Queens Quay Terminal opens June 24, 1983. Initial public reaction is very enthusiastic.

Aug/83 - Bathurst Quay Sub-Area Plan approved by City of Toronto.

Sept/83 - Official opening of Premiere Dance Theatre in Queens Quay Terminal scheduled for September 24, 1983.

Updated: August 1983.

VINTAGE FURS

Communication dated August 18, 1983, from Ms. Marianne Heller, Vintage Furs

This is just to remind you that again, as over the past years, I would like the Executive Committee to know that I want Vintage Furs to be able to be open for business on Sundays.

Since we have requested this many times over the past few years - and with the talk of some areas to be reconsidered for Sunday shopping, I am hopeful that my stoe will be allowed to do business - for all of the many reasons that we have discussed since 1980.

As you know we are in the Yorkville-Yonge-Bloor-Bay area.

YONGE-BLOOR-BAY ASSSOCIATION

Communication dated July 19, 1983, from Mr. J. W. Combs, Past President, Chairman, Government Affairs, Yonge-Bloor-Bay Association

Please accept this letter as an objection to granting any area in the City "tourist area" status under The Retail Business Holidays Act unless the Bloor/Yorkville Area is considered in the same discussion.

As Past President of the Village of Yorkville and Past President of the Yonge/Bloor/Bay Association, I have been asked to request consideration for the Bloor/Yorkville Area for designation as a "tourist area" under The Retail Business Holidays Act.

I am certain the City Council members will act with fairness. Indeed, it is unfortunate if the judgements of the developer and the tenants of Harbourfront were incorrect. However, all the merchants, unless mislead by the developer, were fully aware that they were not permitted Sunday openings. The merchants, in the Bloor/Yorkville area, cater year round to the tourists and, if our area were designated a "tourist area", we could satisfy the great number of tourists we have every month of the year, not just a few summer months.

I have been requested by the Executive of the Yonge/Bloor/Bay Association to contact Members of City Council in order to put a case forward for the Bloor/Yorkville Area. We know if we are granted the "tourist area", each individual merchant, in certain defined categories, has the right to remain open or closed. To give our merchants the "right" would give tourists a broader shopping spectrum when visiting our great City of Toronto.

It is our belief that our area has done everything possible to meet the requirements of City Council. We do not believe that Harbourfront or any other area has any more right by position as a "tourist attraction" or any other reason over the Bloor/Yorkville Area.

Harbourfront, in the Queen's Quay Terminal building, is a business venture and, as such, should be treated no differently than our Bloor/Yorkville business ventures. We certainly would appreciate any notification of any consideration of the Harbourfront as a "tourist area". We

would like to speak on the same matter, at the same time, whenever consideration is given to other areas.

Your thoughtful direction to our request is important to the many small merchants from our Bloor/Yorkville Area.

Communication dated September 7, 1983, from Mr. Tom Creed, President, Yonge-Bloor-Bay Association

The Yonge-Bloor-Bay Association hereby applies for designation as a "Tourist Area". The request is made of the Corporation of the City of Toronto to recommend to the Corporation of Metropolitan Toronto the necessary exemption under Section 4 of the Retail Business Holidays Act.

In compliance with the "Notice of Public Meeting" entitled Sunday Store Openings, enclosed herewith is our brief in support of our application and a listing of the present Directors of this Association.

The first appendix of the brief defines the specific area affected.

As Toronto's oldest "Tourist Area", which through its careful compliance and success has grown to the proportions described in the subject brief, it is with respect and confidence that we request this approval.

(A copy of the Board of Directors List is on file with the City Clerk's Department).

Brief dated September, 1983, from The Bloor/Yorkville Association

In order to be positioned as a world class urban centre the identification and development of tourist sites within a metropolis are vital in terms of fostering cultural synthesis and attracting external sources of revenues. This document highlights those elements which combine to transform an urban location into a tourist attraction. It further outlines those elements of the Bloor/Yorkville area which characterize it as an attractive tourist area. The implications for Sunday shopping are discussed as a service to tourists.

This brief reflects the opinion of the Yonge/Bay/Bloor Association that the Bloor/Yorkville area be designated as a tourist area.

The Yonge/Bay/Bloor Association feels that the following reasons deserve the utmost consideration:

- The Yonge/Bay/Bloor area is an already established premier tourist area and has been since the early 1970's.
- It is the premier tourist area in the City of Toronto and in Canada. The area is comparable to Fifth Avenue, New York; The Champs D'Elysee, Paris; and Regent Street, London.
- Tourism in Toronto was encouraged by the development of the Bloor/Yorkville area as a tourist area.
- The tax revenue generated by the tourist trade is considerable.
- This area has more square footage of retail space than any other area in Toronto.
- Tourists are leaving the area and the City on Sunday because of the lack of shopping opportunities.
- The area is highly accessible by public transit. All three subway lines intersect the area. At Bloor/Yonge an average of 80,000 people per day enter and leave the subway.

- The "Festival of Festivals" a world-class film festival draws approximately 150,000 people per year to the Yorkville area.

- Bus tour operators feature Yorkville as a major attraction.

- The magazine "Avenue" establishes the area as fashionable, chic, and a place to see people and be seen. The Bloor/Yorkville area is famous for its boutiques, shops, restaurants and hotels, but also its charm, ambience, landscaping and architecture. It is unlike any shopping centre or large-scale real estate development. Bloor/Yorkville is unique in its location, design, concept and history, a world class tourist attraction loved by both the residents of Toronto and their guests.

The Tourist Area Defined

In characterizing the components of a tourist area, it is important to consider those activities which form the visitors itinerary. The table below highlights preferred tourist activities in Metro Toronto.

Base	Percent Of Visitors Already Engaged In (12,688) %
Dine out	74.2
Visit attractions	53.7
Go shopping	48.8
Visit friends & relatives	27.3
Evening entertainment	18.7
Take a side trip	12.1
Attend special events	10.3
Take a guided tour	7.0
Go to live theatre	3.7
Attend a sports event	2.0

Source: Metropolitan Toronto Convention and Visitors Bureau, 1981 (MTCVB).

From the view point of the retailer, to "Go Shopping" is, needless to say, of utmost importance. The above survey shows shopping,as an activity, is pursued by 48.8% of tourists in Metropolitan Toronto. The extent of shopping activity may vary according to the purpose of the trip, whether it be business or holiday. Furthermore, the MTCVB states that the traveller is more likely to shop if from outside Canada.

Shopping activity should not be viewed in isolation. As the above table illustrates, the tourism experience combines elements of adventure and expectations that are fulfilled through walking, browsing, dining out, shopping, historical and architectural landmarks, theatre, museums, universities, art galleries and nightclubs.

One major attraction will attract the tourist to use ancillary services which produces a multiplier effect throughout the local economy. According to the Ministry of Tourism and Recreation, for every dollar spent by tourists, $1.88 of income is generated through the economy. For example, a businessman may come to the City for a three-day convention. His activities will demand the use of a variety of services; hotel, dining facilities, taxis for business; theatre, bookstores, and shopping for entertainment.

An area of tourist value must be perceived prior to the visitation with a high degree of awareness. Such not only provides a focal point for activity, but supplements the tourist reasons for visiting an area to pursue specific activities or to feel that he or she has "experienced" the cultural essence of the City.

How Bloor/Yorkville Fits The Tourist Area As Defined:

The Ontario Travellers' Encyclopedia published by the Ontario Ministry of Tourism and Recreation, has selected both the Bloor and Yorkville areas as important tourist attractions in Toronto.

Within the Bloor/Yorkville area land use activity is illustrated as follows:

Activity	No. of Facilities
Restaurant	358
Retail	1,867
Entertainment facilities	20
Services (travel, financial)	947

Retail and restaurant activity is highly concentrated. Bloor Street is described by the Ontario Traveller's Encyclopedia as ".....uptown where the rents are high and so is the fashion...". Within a short distance between Yonge Street and Avenue Road is a world class collection of designer boutiques, high fashion apparel, jewellery and both specialty and gourmet restaurants. Where names such as Luis Vuitton, Creeds, Gucci at Holt Renfrew are associated with fashion, Noodles, and The Three Small Rooms reflect international tastes in dining. There is also a series of residential/retail complexes that are considered city landmarks - The Colonnade, The Holt Renfrew Centre, The Manulife Centre and The Hudson's Bay Centre which includes the contemporary flagship store of The Bay retail chain. Just south of Bloor on University Avenue, The Royal Ontario Museum attracts over 450,000 people a year.*

*Source: The Ministry of Tourism and Recreation, Marketing Department, 1983.

By contrast, Yorkville is "....an elegant triangle of mews, courtyards and passageways, boutiques, restaurants (outdoor in summer), hairdressers, bookstores, and some of the trendier architects and interior decorators....". On any given summer evening one can observe thousands of people browsing at stores such as Rive Gauche, Turnbull and Asser or Ralph Lauren's Polo Shop or sitting outdoors at many of the sidewalk cafes located throughout the area.

A number of hotels are located in the area: The Four Seasons, The Windsor Arms, Plaza II and The Park Plaza. More importantly extensive development plans are underway to include several large hotel/retail complexes in the area: The Colonnade to be renovated into a 350 room luxury hotel and retail complex; 23 St. Thomas Street, a European style hotel with 80 rooms; The Hazelton Hotel, a 320 room hotel, a Meridien Hotel, featuring luxury facilities, and possibly a sixth site across from the existing Four Seasons Hyatt on the west side of Avenue Road to be developed.

Similarly, the Metropolitan Toronto Convention and Visitors Bureau has an information booth location at the northwest corner of Bloor and Yonge. The following table shows the number of inquiries for information made at the five Toronto locations as of July 22nd year to date.

	1982	1983	% Change
Toronto Eaton Centre	22,085	20,062	(4.5)
Bloor/Yonge	16,663	17,084	2.4
Nathan Phillips Square	12,397	12,837	3.4
Harbourfront	9,080	11,776	22.8
CN Tower	4,865	4,892	0.5

At the Bloor/Yonge booth, there were 17,084 inquiries up to July 22nd, 1983, a 2.4% increase over this period in 1982. In comparison, there was a 4.5% decline in inquiries at The Eaton Centre from 22,085 in 1982 to 20,062 in 1983. This indicates that the level of tourist traffic is comparatively high at both Yonge/Bloor and The Eaton Centre.

It has been observed that current tourist activity in the Bloor/Yorkville area is considerable. Future development is extensive and is geared primarily for the out-of-town visitor. The billions of dollars of real estate invested is a direct reflection of the desirability of the Bloor/Yorkville area both as a place for Torontonians and visitors to Toronto to pursue leisure and shopping activities.

Implications for Sunday Shopping

According to an August 1981 Study on the subject of Sunday store hours, conducted by the Retail Council of Canada, it was suggested that the dollar is elastic in that it can be transferred between various forms of leisure activity including shopping. However, with the tourist dollar being highly discretionary, it can add substantially to the retailer's sales volume.

Recent Toronto experience as outlined in an August 16, 1983, article in the Toronto Globe and Mail, illustrates the relationship betwen dollar elasticity and Sunday shopping by tourists. Merchants located in the Queen's Quay Terminal at Harbourfront have reported that the level of business is highly dependent on Sunday shopping. One boutique owner stated that Sunday shopping accounts for one third of his sales. It was found that in general, most merchants were doing a brisk trade on Sunday.

At the present time, Toronto City Council has designated a variety of sites within Metro as tourist areas. Included are several hotels with more than fifty guest rooms. Currently, all hotels in the Bloor/Yorkville area meet this criteria. As mentioned previously future hotel development is extensive and concentrated. Three luxury hotels will feature from 320 to 450 rooms and include a retail complex. The combination of retail/hotel facilities is a direct response to a need for such facilities by the traveller. The Four Seasons Hotel chain has stated that the Ritz-Carlton Water Tower Plaza in Chicago which boasts 7 levels of retail use, 20 levels of hotel accommodations and 48 levels of condominium apartments has a considerably higher Sunday occupancy rate than compared to Sunday occupancy at The Four Seasons in Toronto. This U.S. experience demonstrates that retail activity is high when tourists are shopping.

The phenomena of Sunday shopping has been met with initial success as indicated by the Queen's Quay experience. In the United States, Sunday store opening is common and quite successful especially in tourist areas such as Newport, Rhode Island; Fifth Avenue, New York City and Faneuil Hall in Boston. Furthermore, data from the Tourist and Convention Bureau suggests that 50% of visitors to Toronto are from the United States, particularly New York State and Michigan where Sunday shopping is widespread.

At the present time, Toronto City Council has designated a variety of sites within Metro as tourist areas. Included are several hotels with more than fifty guest rooms. Currently, all hotels in the Bloor/Yorkville area meet this criteria. As mentioned previously future hotel development is extensive and concentrated. Three luxury hotels will feature from 320 to 450 rooms and include a retail complex. The combination of retail/hotel facilities is a direct response to a need for such facilities by the traveller. The Four Seasons Hotel chain has stated that the Ritz-Carlton Water Tower Plaza in Chicago which boasts 7 levels of retail use, 20 levels of hotel commodations and 48 levels of condominium apartments has a considerably higher Sunday occupancy rate than other days of the week. This U.S. experience demonstrates that retail activity is high when tourists are shopping.

Benefits to the City of Toronto

It is the conclusion of this study that given the extent of retail, hotel, and entertainment facilities located in the Bloor/Yorkville area and the high inflow of American tourists to Toronto, that the Bloor/Yorkville area would be successful in generating revenue if opened for shopping on Sunday. The greatest beneficiary will the City of Toronto.

- The increase inflow of tourist dollars will add to the tax base.
- Sunday opening will create more jobs in the City and help reduce current high levels of unemployment particularly where it is highest amongst younger people.
- Retailers, selling more goods, will demand more merchandise from the manufacturing sector.
- Services other than those provided by the retailer will be used: TTC, taxis, restaurants, and hotels to name a few.

- Increased revenues generated by the tourist industry will add to the country's balance of payments by attracting foreign capital.

- The City of Toronto's reputation as a world class city will be maintained and enhanced significantly.

PAUL MAGDER FURS

Communication dated July 22, 1983, from Mr. Paul Magder, President, Paul Magder Furs

My company carries on business at 202 Spadina Avenue, in the City of Toronto, which is within an area designated as "Chinatown West" under Metropolitan Toronto By-laws passed pursuant to The Retail Business Holidays Act. As you may be aware, the Ontario Court of Appeal has recently held that the fur coats and other fur items which I am selling in my store do not come within the exemption for "handicrafts" or "artifacts" in either the Act or the Metropolitan Toronto By-laws.

My business is in a tourist area and is heavily dependent on the tourist trade. Depending on the time of year, as much as 70 to 80 per cent of my sales are made to tourists.

Sundays and holidays are the best shopping days for tourists and my inability to be open on Sundays could be fatal to my business.

I understand that the City of Toronto may now be prepared to reconsider its policy of refusing to give its consent to the Metropolitan Council passing futher exempting by-laws under the Act. If this is the case, I request that the Metropolitan Council consider my request for an extension of the Chinatown West By-law to permit the sale of furs at retail on Sundays and holidays. We would also request that the maximum selling area on Sundays and holidays be limited to 5,000 square feet and the number of employees serving the public be limited to 7. We would point out to you that the majority of the employees would be needed for security purposes.

Would you be kind enought to place this matter on the agenda of the Council and advise me, in advance, of the date and time of the meeting at which it will be considered. I would like to attend as a delegate before the Council or any of its Committees which consider the matter. I would like also to receive notice of any other applications being made under The Retail Business Holidays Act for exemption in the Municipality of Metropolitan Toronto.

VILLAGE OF YORKVILLE

Communication dated September 6, 1983, from Mr. Mitchell Gold, Board of Directors, Village of Yorkville Association

This letter echoes the enclosed letter of March 7, 1979, whereby the Village of Yorkville applied to be designated as a Tourist Area under the provisions of The Retail Business Holidays Act.

This application and its support letters are just as valid today and in fact due to the change in total economic climate certainly may be more valid.

Here follows the unfortunate position of the Village of Yorkville concerning Sunday openings:

We have the support of the people in the area.

We have the support of people that visit the area.

We are advertised by the Federal Government as a major tourist attraction.

We are advertised by the Provincial Government as a major tourist attraction.

We are advertised by the City as a major tourist attraction.

Everyone knows we are a major tourist attraction.

And when the tourists follow this advertising and arrive in the Yorkville area they find the shops closed.

The Village of Yorkville is not designated as a Tourist area.

Why? Could you please look into the legislation that exists, utilize this legislation to put into a legal format the reality of our day-to-day lives.

Attached are support letters from businesses in the area and material that should help your decision to proceed in a positive manner.

Thanking you for your cooperation.

(Communication dated March 7, 1983, addressed to the Chairman, Committee on Buildings and Development from the Chairman, Tourist Designation Committee, Village of Yorkville Association)

At a regular meeting of the Village of Yorkville Association in January it was unanimously moved that the Association should apply to the Municipality of Metropolitan Toronto to have Yorkville designated as a Special Tourist Area with the prime purpose of allowing store owners to open on Sundays and holidays as provided in provincial legislation governing retail business holidays.

With this letter the Association is hereby making application to be so designated as a Special Tourist Area. Enclosed is a partial list of reasons why Yorkville should be so designated, along with a partial list of suggestions as to why Designated Tourist Areas in general are of advantage to the municipality.

Please forward this application to the requisite parties. We are available at your convenience to answer any questions regarding this application.

Why Yorkville Should Be A Designated Tourist Area For The Purpose Of Allowing Retail Stores To Be Open On Sundays And Public Holidays.

Yorkville is widely recognized as a distinctive shopping area, with many fine stores, restaurants and galleries - an attractive area to shop and stroll in.

Yorkville is a distinctive area historically, an aspect that has not been sufficiently exploited.

Already a substantial percentage of shoppers in Yorkville are tourists, who recognize Yorkville as a distinctively "different" shopping area. Yorkville is within a short walking distance of a large number of fine hotels, including the Four Seasons, Park Plaza, Windsor Arms, Plaza II, Sutton Place and Westbury. It is within the easy access of all other downtown hotels via public or private transport (adjacent to both the Bloor and Yonge subways). Yorkville is much more accessible to tourists than, for example, Mirvish Village, already a Designated Tourist Area.

The provincial government passed the Sunday and holiday legislation primarily to protect the rights of employees in large stores and chain operations. Most retail establishments in Yorkville are small and owner-operated. Many also employ part-time staff. Few employees would be adversely affected by holiday openings.

Because of the lack of keen competition between retail establishments in Yorkville, in contrast to that between chain operations, those few establishments that would not choose to open on Sundays would be under no pressure to do so. Those who do not wish to open recognize that an increase in the number of visitors would still be to their overall benefit.

Because of the high quality of the establishments in Yorkville there is no danger of a "honky tonk" atmosphere being created. Nearby residential areas would not be adversely affected to any great degree.

Ed Mirvish's Markham Village, Chinatown and "Chinatown West" have already been designated tourist areas and have been open Sundays and holidays with no negative results being reported. The Association believes our area is at least, if not more, deserving of recognition than the aforementioned areas.

A Planning Report of October 22, 1976, dealt with possible Section 4 Designations for four areas of the City and in fact recommended that the Yorkville area be so designated. The report was not acted upon at that time.

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Tourist area, under Section 4 of the Retail Business Holidays Act, which would entitle storekeepers and Hazelton Lanes to stay open on Sunday?

Mr. David McCluskey, of the City Planning Department, Zoning and Official Plan Division, informs that a present the Yorkville area is not so designated under Section 4. There was, however, a planning report of October 22, 1976, dealing with possible section 4 designations for four areas of the City, including the Yorkville area, and in fact recommending that the Yorkville area be so designated. At present the report has not been adopted and appears to have died leaving Chinatown and Markham Village as the only areas in the City designated under Section 4. It would appear that the Yorkville area is a prime candidate for the above designation and a letter to the Chairman of the Committee on Buildings and Development stating the reasons why the Yorkville area should be so designated would appear to be in order.

(Undated communication addressed to the Sub-Committee on Economic Development from the Executive Director of Economic Development and the Executive Vice-President of the Metropolitan Toronto Convention and Visitors Association)

Background

On September 23, 1981, the Sub-Committee on Economic Development received the report prepared by Laventhol and Horwath on Metro's tourist and convention industry. The report outlined the economic and job creation opportunities of tourism and made recommendations for marketing and tourism development which will enable Metro to realize the full potential of this industry. The Sub-Committee referred the report to area municipalities and other interested agencies for comment and only the Borough of Scarborough has submitted a response. The Sub-Committee also requested the Executive Director of Economic Development and the Executive Vice-President of the Convention & Visitors Association to submit an action plan for tourism in Metropolitan Toronto based on the report prepared by Laventhol & Horwath and any other comments and suggestions received.

Discussion

The tourism industry in Metropolitan Toronto has developed rapidly over recent years largely as a result of a combination of private and public investment in marketing, facilities, and events. This investment has resulted in the provision of an extensive tourism "plant" that has helped Metropolitan Toronto become one of the most attractive and successful tourist destinations in the world with annual tourism expenditures amount to an estimated 2.2 billion dollars. To complement the excellent tourism facilities, a number of special events are held each year which attract visitors to Metropolitan Toronto. Against this background, the recommendations contained in the consultant's report have been reviewed in relation to existing resources, programs, legislation, facilities and attractions that involve tourism in Metropolitan Toronto to determine what additional aspects of these areas are required in order to enhance the tourism industry. In the following sections, certain extracts from the consultant's report are noted in quotations.

A. Marketing

"Metro Toronto must increase its tourism promotion budget in order to tap the tremendous potential which tourism represents for Metro's economy."

"We believe that the Convention & Tourist Bureau should continue to assume the role of promoting Metro, but with increased funding from Metro".

"The Province spends approximately $9.5 million in advertising to generate an expenditure of $7.5 billion, or one dollar for every 790 dollars in expenditures".

"Metro Toronto received tourist expenditures of $2.2 billion and thus, by comparison, should spend at least $2.8 million to advertise Metro Toronto as a tourist destination. It should also be noted that the Ministry spends considerable sums of money on other forms of promotion apart from advertising".

Before considering this recommendation, a complete marketing plan should be prepared for both industrial and tourism development in order to determine the relevant costs. It is proposed that the tourism section of the plan be prepared by the Convention & Visitors Association on the basis of the existing marketing activities of the Association, and should include expanded activities in consumer and trade advertising, corporate an association convention solicitation, travel agent, wholesaler and tour operator development, travel media visitations and customer services. With respect to the industrial section of the plan, it should be noted that relatively little industrial marketing is carried out at the present time. The Toronto Area Industrial Development Board does provide information to prospective industrial investors, but this is prepared on a selective basis for individual clients. The current manufacturing study will result in a better definition of the markets that should be solicited which will provide the foundation for the preparation of an industrial marketing plan.

A common link between the industrial and tourism parts of this marketing plan would be the use of a new theme and logo for Metropolitan Toronto. Currently, the Convention and Visitors Association utilizes "Affectionately Yours" with a red heart on their promotional material and literature. The new theme should express the excitement and progressive nature of Metro as a visitor destination, as a great place to establish a business, as a good place to work and have fun and as a place to be proud of. The new theme should also be adaptable so that the private sector can use it in marketing their individual facilities and services. As examples, the success of the "I Love New York" theme is well recognize, and the Ontario "Yours To Discover" programme has effectively positioned Ontario in the tourism marketplace. Funds have been included in the Economic Development Appropriation to commence the preparation of the new theme and logo which would be undertaken by a company that specializes in creative services. It is proposed that a committee composed of the Executive Director of Economic Development and a representative from the Toronto Area Industrial Development Board and the Convention & Visitors Association interview companies which offer professional creative services and return with specific recommendations on the selection of a company.

B. Tourism Plant Development

> "Metro's Economic Development Department should promote the development of a tourist plant. This department should also provide communications with developers interested in establishing or expanding the tourist plant. In addition to gathering data to aid developers in realizing the opportunities which exist, it should market these opportunities and facilitate their actual development".

Certain attractions, events and facilities have been identified which offer opportunities for generating additional tourism revenues.

1. Attractions

a) Aquatic Theme Park

A part that would exhibit sea life would make a significant contribution to the tourism industry as well as to the number of facilities in Metropolitan Toronto that exhibit nature. The waterfront or Toronto Islands offer an excellent setting for such a park. Aquatic parks operate successfully in Niagara Falls, Vancouver, Seattle and other areas. They are used for leisure activities as well as for educational puroses. It is proposed that an information base relevant to the proposal be prepared and that prospective theme park developers be contacted to determine their interest.

b) Transportation and Communications Museum/Centre

The history of Canada and of Ontario can be traced by reference to transportation and communication development - from the original canoe of our native people to space satellites. Furthermore, Metropolitan Toronto is well known as a world leader in urban transportation and advanced technological developments in transportation are now being applied to the Metro transportation system. The central waterfront area would be an excellent location for a museum/centre devoted to transportation and communications which would demonstrate the storey of transportation development in Canada in a location where the operation of trains, ships and aircraft could be witnessed and where it would form an integral part of the complex of activities including the new Convention Centre, Harbourfront, Ontario Place and Exhibition Place. A centre of this nature would attract visitors and residents, would make a positive statement of Metro's role in transportation development and would provide an educational asset. It is proposed that the potential for such a museum/centre be explored with appropriate provincial and federal departments and private sector interests.

c) Exhibition Place

While a separate report on Exhibition Place development has been submitted, it is important to note that Exhibition Place is regarded as a cornerstone of the tourism plant. The facilities that are being proposed in the Exhibition Place Concept Plan, particularly the trade centre and improved sports facilities, have the potential of protecting the tourism revenues currently received as well as attracting substantial additional revenues. In view of the importance of Exhibition Place to tourism in Metro Toronto, it is strongly urged that the proposed development framework be prepared and implemented as soon as possible.

2. Events

Special events have the power to attract great numbers of visitors for a specific period. Metropolitan Council has recognized the merit of such attractions by supporting events such as the Grey Cup and the proposed Toronto International Festival scheduled for 1984.

There is continued private sector interest in sponsoring an international car racing event in Metropolitan Toronto or at least one weekend in the year. The economic benefit of such a race would be significant in terms of visitor expenditures and job creation relative to the many services required to support the event and its numerous visitors. Furthermore, international car racing is a high profile sporting event and should create a great deal of international attention to Metropolitan Toronto, which would potentially lead to further investment in the community.

A proposal was brought forward in 1977 for a Grand Prix event to be held in the area of Exhibition Place. The proposal was not acceptable to the City of Toronto and therefore no action has been taken.

It is proposed that discussions be initiated with prospective sponsors of an international car race in Metropolitan Toronto and that the feasibility of a race be reviewed in relation to the previous concerns of the City of Toronto.

A World's Fair is regarded as one of the most significant international events. The Fairs are governed and regulated by an organization called the International Bureau of Exhibitions (BIE) which has its headquarters in Paris and includes 36 member states. Canada is a member of this organization. An exhibition is a display which has as its principal purpose the education of the public. It may exhibit the means at man's disposal for meeting the needs of civilization or demonstrate the progress achieved in one or more branches of human endeavour or show prospects for the future. Exhibitions of a world class nature produce significant local economic benefits and encourage harmony in international relations.

There are two categories of exhibitions - universal and specialized. A universal exhibition is one which displays the methods used and the progress achieved in several branches of human endeavours; Expo '67 in Montreal is a good example. A specialized exhibition is devoted to illustrating a single branch of human endeavour. Examples of this type are the Knoxville Expo '82 on Energy and Vancouver's Expo '86 on Transportation.

A substantial amount of work and lead time is required to prepare a proposal for the consideration of the BIE as well as to prepare for the exhibition itself. It is proposed that consideration be given to hosting an international exhibition in Metropolitan Toronto. A number of Exhibitions have already been booked for the next 10 years and therefore the earliest date that could be considered for an exhibition in Toronto is the mid 1990's. In view of the fact that this

is close to the end of the century, it would be worthwhile to work toward a proposal for an Expo 2000 in Metropolitan Toronto which would herald the world's entrance into the 21st Century. It is proposed that discussions be initiated with provincial and federal officials to determine their interest in an Expo 2000 to be held in Metropolitan Toronto, and that, if a positive response is received, the procedural, organizational and funding requirements be determined.

3. Hotels

Currently, the Metropolitan Toronto hotel bedroom inventory stands at 19,343. The consultant stated that over the next ten years, Metro will require between 5,500 and 8,000 new rooms. Since the report was written, (August 31, 1981) there have been 350 rooms added to the inventory, there are 400 rooms under construction and the following active proposals would add another 2,370: CN Hotel at the Convention Centre - 650; Chelsea Inn addition - 600; Howard Johnson's East addition - 100; Ramada Regency Canadiana addition - 250; Louis Dreyfus - 320; and Far East Hotel Group - 450. In order to expedite the implementation of these facilities, it is proposed that assistance be offered to hotel developers to obtain the necessary approvals.

Other hotel companies, such as Marriott and Hyatt have expressed interest in developing hotel properties in Metro. It is proposed that these be actively pursued.

C. Legislative Review

Recent surveys of tourists have shown that approximately 20% of visitor-expenditures is directed to retail stores. Many leisure visitors are in Metropolitan Toronto during the weekends, partly as a result of special weekend packages promoted by the tourism industry. Moreover, delegates to conferences often arrive on the weekend prior to the conference or stay over the following weekend, to take advantage of the many attractions. The ability to purchase goods on weekends is therefore important to the visitor. In view of the expenditures involved, weekend shopping is also important to the economy of the area and provides much needed employment opportunities in retail establishments.

Federal and provincial legislation currently prohibits the sale of certain classes of goods and services on Sundays and statutory holidays. The "Retail Business Holidays Act" (Ontario), however, does provide that exemptions may be granted by municipalities where "it is essential for the maintenance or development of a tourist industry". By-laws may be passed to provide for the sale of goods and services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as specified. Such by-laws have been passed by Metropolitan Council to allow retail business to be carried out in the Chinatown West, CN Tower, and Markham Street areas of the City of Toronto. Generally, however, most retail stores are prohibited from doing business in Metropolitan Toronto on Sundays and statutory holidays.

In view of the importance of retail trade to the tourism industry as well as its contribution to the overall economy, particularly in this time of high unemployment, it is suggested that consideration be given to permit more retail establishments to conduct business on Sundays and Holidays in areas of Metropolitan Toronto not covered by existing by-laws but which are considered important to the maintenance and development of the tourist industry. In this regard, consideration should be given to exemptions that cover the entire year rather than, say, just the summer months in view of the visitor activity that now takes place throughout the year. In order to establish guidelines and appropriate conditions that would apply, it is proposed that the Executive Director of Economic Development and the Executive Vice-President of the Convention and Visitors Association review this proposal in more detail and report back to the Sub-committee.

D. Borough of Scarborough Response

The response of the Borough of Scarborough to the consultant's report was that consideration be given to the establishment of tourist information and Welcome Centres on the major highway approaches to Metropolitan Toronto.

This proposal certainly has merit, especially in view of the large number of visitors that arrive by automobile. However, the cost of such Centres is likely to be significant in terms of capital and annual operating costs and therefore the benefits must be carefully assessed. Since the proposed Centres are, in many ways, a marketing tool, they should be considered in the preparation of the expanded tourism marketing plan whereby their cost/benefit relationship could be related to other requirements for marketing funds. Since the Centres could also be of benefit to the Province of

Ontario, financial contributions from the province should also be explored. It is therefore suggested that the proposal for Information and Welcome Centres be reviewed in the context of the preparation of the marketing plan.

E. Recommendations

It is therefore recommended that:

1. the Executive Director of Economic Development and the Executive Vice-President of the Convention & Visitors Association be authorized to review what further exemptions could be allowed under the "Retail Business Holidays Act" and other statutes in order to increase the capability of retail establishments to serve the needs of visitors to Metropolitan Toronto and report back to the Sub-Committee.

2. the Executive Vice-President of the Convention and Visitors Association and the Executive Director of Economic Development be authorized to prepare and submit a tourism marketing plan as outlined in this report.

3. the Executive Director of Economic Development, the Executive Vice-President of the Convention and Visitors Association and the General Manager of the Toronto Area Industrial Development Board be authorized to interview companies for the preparation of a new theme and logo for tourist and individual promotion purposes and report back to the Sub-Committee.

4. the Executive Director of Economic Development be authorized to carry out the necessary work as outlined in this report to seek interest in:

   - an Aquatic Theme Park
   - a Transportation-Communication Museum/Centre
   - an International Car Race
   - the staging of Expo 2000 as an international exhibition

5. the Executive Director of Economic Development and the Executive Vice-President of the Convention and Visitors Association be authorized to offer assistance to developers of existing hotel proposals as outlined in this report and to actively pursue the development of additional hotels.

Signed: Douglas Floyd, Executive Director of Economic Development, and William Duron, Executive Vice-President of the Metropolitan Toronto Convention and Visitors Association

(Petition appended to the foregoing submission, is on file in the City Clerk's Department).

EATON CENTRE

Communication dated September 6, 1983, from Mr. James R. Bullock, President, Cadillac Fairview Shopping Centres

We are the managers and co-owners of the Eaton Centre, Toronto's number one tourist attraction. The purpose of this letter and the supporting material is to seek an exemption pursuant to The Retail Business Holidays Act, to permit the retail stores in the Centre, including Eaton's and Simpsons, to remain open on Sunday afternoons.

The Retail Business Holidays Act gives the authority to Council to pass a by-law permitting retail establishments to be open on Sunday, where the opening of such establishments "is essential for the maintenance or development of a tourist industry".

Tourism is an essential component of the life of this city, and we believe that the approval of this application will substantially enhance the tourism industry in Metropolitan Toronto.

We have enclosed with this letter a recent study on the significance of the Eaton Centre to the Metropolitan Toronto tourism industry, a study prepared by Laventhol & Horwath, Management Consultants. This study shows that to the majority of tourists to Toronto, a visit to the City almost always includes a visit to the Eaton Centre.

Of the leading tourist attractions in Metro Toronto, the Eaton Centre draws nearly twice as many visitors as the next ten attractions combined. Even based on the most conservative estimate of traffic to the Centre being 532,000 persons per week, the number of visitors to the Eaton Centre per week is substantially more than some attractions draw during an entire operating season.

According to the Ontario Ministry of Tourism and Recreation, the Centre's architectural design and size make it one of Metro's most frequently recognized and visited tourist attractions. Because of its capacity to draw visitors to the City, the Ministry, the Metropolitan Visitors and Convention Association, downtown hotels and other tourist attractions all use the Eaton Centre as a lure to potential visitors in their promotional materials.

While the Eaton Centre's significance to Metropolitan Toronto's Tourism Industry is confirmed in the Laventhol & Horwath study, it identifies one critical disadvantage for the city's tourism industry relative to other major North American destinations - the Eaton Centre is closed on Sundays.

Forced closure of Metro's most asked about/talked about/recommended tourist attractions acts as a depressant on other attractions in the city as well, since on Sunday they are deprived of the benefits of the Eaton Centre's proven ability to draw tourists into the downtown area.

Shopping has become a family pastime, the study indicates, and the most popular activity for tourists in Toronto next to visiting relatives and going to restaurants. Since many of Metro's tourists come from the United States with the majority coming from states where Sunday shopping is permitted, forced closure of a major tourist attraction on a peak day places Metropolitan Toronto at a competitive disadvantage compared to U.S. cities.

Tourists and residents alike are in favour of the Eaton Centre being open for shopping on Sunday afternoons with Americans being the most positive. The majority of tourists to Metro also agree that Sunday afternoon shopping at the Centre would make Toronto more attractive to tourists.

Sunday afternoon shopping at the Eaton Centre could also entice visitors to extend their stays in the city as it would provide an additional period in which to visit a major attraction. This is particularly so for convention delegates (who represent up to 25% of the guests at major downtown hotels) for whom shopping is one of the prime free time activities.

Like Faneuil Hall in Boston or Ghirardelli Square in San Francisco, an Eaton Centre open for business on Sunday afternoons would help to attract tourists. Nathan Phillips Square, Trinity Square Park, restaurants throughout the area, on Yonge Street and in Chinatown, theatres and cinemas would all benefit from the proven ability of the Eaton Centre to draw visitors.

For visitors to Toronto, Sunday afternoon shopping at the Eaton Centre will provide:

- A more complete tourism experience.
- Freedom to schedule visits to this tourist attraction on any day of the week.
- Enticement for more visitors to visit Metropolitan Toronto on weekends and particularly Sundays.

Of all the shopping centres which Cadillac Fairview owns in Metropolitan Toronto, the Eaton Centre is the only one which we believe qualifies for an exemption under The Retail Business Holidays Act: it is our only centre where it can be demonstrably argued that being open on Sunday afternoon would enhance the maintenance and development of the tourist industry in Metro Toronto. We wish to make it clear that the approval of this application for exemption for the Eaton Centre will not precipitate applications for similar tourism exemptions for our other centres.

In addition to the Laventhol and Horwath report, we have also enclosed with this letter a public opinion survey done by Marketfacts, which sets out the public response in Metro and the immediate environs to the opening of the Eaton Centre on Sunday afternoons.

Please be advised that we are filing a duplicate of this application with Metro Council, pursuant to the provisions of The Retail Business Holidays Act.

We would be pleased to provide whatever additional information you might find useful as part of this application.

(Study (August 8, 1983) from Laventhol & Horwath, Management Consultants, addressed to Mr. James R. Bullock, President, Cadillac Fairview Shopping Centres)

In accordance with the terms of our engagement, we present on the following pages a report of the results of the study undertaken to determine the significance of retailing to the tourism industry, and, in particular, The Eaton Centre's position among major tourist attractions in Metropolitan Toronto.

We were asked to examine the effect on the tourism industry of The Eaton Centre's being open on Sunday afternoons. The objective of our study, therefore, has been the compilation and analysis of data to determine the following:

- The role of retailing in the tourism industry;
- The role of The Eaton Centre as a tourist attraction in Metropolitan Toronto;
- The effect that The Eaton Centre's being open for shopping on Sunday afternoons will have on the tourism industry in Metropolitan Toronto.

The scope of our study included undertaking the following tasks:

- Ranking of retailing's position among the various tourist attractions and activities in Metropolitan Toronto;
- Delineation of The Eaton Centre's position among Metropolitan Toronto attractions;
- Determination as to the existence of, and experience with, Sunday afternoon retailing in other major metropolitan areas of North America;
- Identification of ways in which retailing complements and enhances and attractiveness of other tourist attractions, events, activities and facilities; and
- Integration of findings obtained during the course of this study with results from other market research projects undertaken for Cadillac Fairview and The Eaton Centre.

The following information sources were utilized:

- Statistics Canada, Ontario Ministry of Revenue, Ontario Ministry of Labour;
- Interviews with personnel at the Ontario Ministry of Tourism and Recreation;
- Interviews with administrators at The Eaton Centre;
- Interviews with administrators of the National Retail Merchants Association, the International Council of Shopping Centres and the Retail Council of Canada;
- Interviews with shopping centre managers at major North American shopping centres where Sunday afternoon retail shopping is permitted;
- Interviews with officials at tourist and visitor bureaus in major market areas;
- Interviews with sales and public relations managers at major Metropolitan Toronto hotels and attractions;
- Review of published magazine and newspaper articles regarding the issue of Sunday shopping;

- Review of studies and surveys of the general public undertaken recently to determine attitudes toward The Eaton Centre and reaction to the issue of Sunday afternoon retailing.

The conclusions and recommendations contained herein pertain only to the conditions prevailing at the time of our field work, completed August 5, 1983. This report should therefore be reviewed from time to time to take into consideration local, provincial, national and international economic conditions and legislative changes affecting the retailing and tourism industries.

We have enjoyed working with you and your colleagues on this assignment and look forward to other such opportunities in the future. Do not hesitate to contact us should you have any questions concerning the information provided in this report.

Executive Summary

I-A The conclusions contained herein are based on an analysis of information which focused on the determination of the role of retailing in the tourism industry, the role of The Eaton Centre as a tourist attraction in Metropolitan Toronto and the effect of Sunday afternoon retailing on the tourism industry. Our analysis indicates that shopping is a primary activity of tourists who visit Metropolitan Toronto, The Eaton Centre is a major attraction in Metropolitan Toronto and The Eaton Centre's being open for shopping on Sunday afternoons will provide many benefits to both the tourism industry and to the City.

It is our opinion that the availability of Sunday afternoon retailing is necessary for Metropolitan Toronto to be more able to effectively compete with other major American cities where Sunday shopping is very common in attracting the American tourist for whom shopping is a very important component of the total tourism experience. This will be one of the primary benefits which will accrue to the tourism industry. Other benefits include providing a major source of motivation to encourage visitors to lengthen their stay in Metropolitan Toronto. During a survey conducted in July of 1983, the majority of tourists (57%) stated that the availability of Sunday afternoon retailing would make Metropolitan Toronto a more attractive tourist destination area. Tourists have been defined for the purposes of this study as all persons coming to the City from outside a 50 mile radius.

Retailing - An Important Component of the Tourism Industry

I-B Shopping is an important tourist activity among visitors of all origins, particularly among those visitors who reside outside the Province of Ontario. Primary research studies indicate that over half the visitors to Metropolitan Toronto go shopping during their visit.

I-C Tourism expenditures in the retailing sector make a significant contribution to total tourism income. The most recent statistics available from the Ontario Ministry of Tourism and Recreation indicate that in 1976, tourist expenditures on retail purchases amounted to $757 million, the second highest expenditure category after food and beverage expenditures which totalled $1,182 million. As a result of the multiplier effect, tourist expenditures in retail sales generated total income of $1,836 million, the highest category of expenditure.

I-D Generating over 20% of tourism-related employment, the retail sales sector is also an important contributor to employment. Approximately 21.3% of total employment was generated in the retail sales and miscellaneous sector. Only the food and beverage sector (23.0%) generated more. The highest multiplier effects were associated with the service station (1.78) and retail sales (1.76) sectors.

The Eaton Centre as a Tourist Attraction

II-A The Eaton Centre is Metropolitan Toronto's most popular tourist attraction based on estimated levels of attendance by visitors and residents of the top attractions in the City. More than 532,000 visitors and residents visit The Eaton Centre on a weekly basis, a figure higher than many attractions achieve during an entire operating season. This translates into over 27 million visitors annually. Approximately one-third of these visitors are tourists.

II-B The Eaton Centre is prominent among Metropolitan Toronto's most popular shopping areas. According to the Ontario Ministry of Tourism and Recreation, the architectural design and the size of The Eaton Centre relative to other major retail centres in North American make it not only a primary retailing area but one of Metropolitan Toronto's most recognized and frequently visited tourist attractions.

II-C The Eaton Centre is ideally located to cater to tourists, has a wide variety of services and stores to satisfy tourists and spends a large portion of its advertising budget creating awareness of both itself and Metropolitan Toronto among potential visitors to Metropolitan Toronto. Hotels, restaurants and other major tourist attractions are all located within walking distance of The Eaton Centre which enhances the potential of creating reciprocal relationships in which both The Eaton Centre and the other tourist facilities can refer business to each other, engage in co-operative advertising promotions and develop an image of the downtown core as an area which has a complete complement of attractions and activities to attract the tourist.

II-D Hotel representatives perceive The Eaton Centre to be one of the top five tourist attractions and the number one retailing area in Metropolitan Toronto. Proximity to shopping areas, and in many cases, proximity to The Eaton Centre, is one of the major drawing points of the hotels, particularly with regard to convention delegates who often bring other family members or friends with them to the City.

II-E Other tourist attractions in Metropolitan Toronto perceive a benefit in identifying The Eaton Centre as a major landmark when promoting to their own target markets. The CN Tower, The Great Toronto Adventure, Boat Tours International and bus tours within Metropolitan Toronto are examples of attractions who identify The Eaton Centre as a major tourist attraction.

II-F The Metropolitan Toronto Convention and Visitors Association also regards The Eaton Centre as an important draw to potential visitors and often promotes The Centre when undertaking awareness creation campaigns for Metropolitan Toronto.

II-G The Eaton Centre is one of the most asked about/recommended attractions to visit in Metropolitan Toronto. Primary research studies indicate that over two-thirds of visitors to Metropolitan Toronto knew about The Eaton Centre prior to coming to the City. Another survey showed that over 50% of non-residents had already shopped at The Eaton Centre at the time of the interviews. Over 80% of people who had been to The Eaton Centre had been there more than once. A large proportion of visitors, particularly non-residents, who go to The Eaton Centre actually make a purchase.

The Eaton Centre, The Tourism Industry and Sunday Retail Shopping

III-A Visitors are attracted to The Eaton Centre by the opportunities offered by The Centre for a unique shopping experience. Therefore when the stores are closed, visitation at The Centre falls substantially. This usually has the effect of reducing utilization of ancillary facilities as well as decreasing visitation in the downtown area in general. Restaurants at The Eaton Centre which are open on Sundays report substantial decreases in their hourly sales compared with the rest of the week. Many restaurants and the drugstores, all of which are allowed by law to open on Sundays, choose not to open because there is not the drawing power on Sundays as during the rest of the week when all the stores are open. Visitor inquiries at the tourist information booths are at lower levels on Sundays than any other day of the week. Although there are tourists at The Centre on Sundays, there is not the activity there to encourage larger numbers of visitors or to keep those who do go to The Centre in the area for long periods of time.

III-B Tourists, the tourism industry, the municipalities within Metropolitan Toronto and the shopping centre itself all benefit from Sunday shopping. According to operators of major shopping areas in tourist areas in Canada and the United States, the shopping centres benefit as a result of increased sales during a concentrated period of time, other attractions and facilities in the area benefit from the increased traffic in the area and tourists themselves are provided with an opportunity to engage in a variety of activities in a concentrated area.

III-C Surveys that were conducted in July of 1983 indicated that close to three-quarters of visitors to Metropolitan Toronto are in favour of The Eaton Centre being open on Sunday afternoons for shopping and the majority of visitors report Sunday afternoon shopping at The Eaton Centre would serve to make Toronto a more attractive tourist destination. Although the differences are not significant, more visitors and/or persons who had previously shopped at The Eaton Centre were in favour of Sunday openings at The Eaton Centre. Americans are most positive toward Sunday afternoon shopping, a finding which is indicative of their familiarity with Sunday shopping at home in the United States.

III-D Sunday afternoon shopping is a family activity. Similar to the profiles of visitors to The Eaton Centre on Friday evenings and Saturdays, the largest portion of Sunday shoppers are families or groups of friends. Sunday afternoon shopping is often an outing itself or one of several activities families and friends engage in together.

III-E To summarize, The Eaton Centre's being open for Sunday afternoon shopping will provide tourists to Metropolitan Toronto with an opportunity to experience the complete array of attractions and activities on any of the seven days of the week. Opening the retail component of The Eaton Centre on Sundays is believed to be one way in which visitors to the City can be provided with a totally satisfying visit. It is perceived as an additional and complementary step in the overall objectives of Metropolitan Toronto to continue fostering the growth, development and utilization of Metro's tourism resources. In addition, other benefits will accrue to the City and the Province in the form of increased employment, increased tax revenues and provision of residents with the flexibility to shop at leisure on a day when they are generally free from work-related responsibilities.

(The complete Study prepared by Laventhol & Horwath is on file in the City Clerk's Department.)

COLES BOOK STORES

Communication dated September 7, 1983, from Mr. W. E. Ardell, Coles Book Stores Limited

This is an application submitted by Coles Book Stores Limited, for an exemption from the general requirement of Sunday and holiday closing in The Retail Business Holidays Act ("the Act").

Specifically, we request that the area bounded by Christie Street, Davenport, Jarvis Street and the waterfront be declared a "tourist area" on the ground that it is an area essential for the maintenance and development of a tourist industry. We further request that the Corporation of the City of Toronto recommend to The Corporation of Metropolitan Toronto that this area be exempted from the holiday closing requirement in Section 2 of the Act.

In the alternative, we request that all bookstores located in this same area be given a "tourist" designation, thereby exempting them from the holiday closing requirements of the Act.

Reasons in support of this application will be presented in the form of a written brief and by way of an oral address at the Public Meeting to be held on Thursday, September 15, 1983, at 8:00 p.m. in the City Hall Council Chamber.

(Brief dated September 8, 1983, from Coles Books Stores Ltd.)

This brief is submitted by Coles Books Stores Ltd. in response to a Notice of Public Meeting issued by The City of Toronto Executive Committee in August, 1983. The Committee requested written and oral submissions from parties interested in City Council's policy regarding exemptions from the holiday closing requirement in The Retail Business Holidays Act (the "Act"). Coles Books Stores operates several book shops within the City of Toronto and is therefore directly concerned with this matter.

It is our submission that the area bounded by Jarvis Street, Davenport Road, Bathurst Street and the waterfront should be designated a "tourist area" and exempted from the holiday closing requirement found in Section 2 of the Act. In the alternative, we submit that all bookstores within this same area should be granted a "tourist" status and be exempted from the Act. Reasons in support of these submissions will now be discussed under appropriate headings.

A. Historical Reasons Supporting Sunday Opening

On November 24, 1980, the Commissioner of Planning and Development delivered a report to the Land Use Committee concerning the history and status of municipal action respecting The Retail Business Holidays Act. In this Report, the Commissioner discussed a variety of arguments supporting Sunday openings:

1. Toronto attracts 30% of the total market share of visitors to Ontario. In 1979, approximately 362 million dollars were spent on retail sales by tourists visiting the Metro area.

2. "Sunday Openings" are consistent with government initiatives to stimulate tourist-related revenues.

3. Existing labour laws ("One Day's Rest in Seven") adequately protect employees.

4. Sunday and holiday openings allow part-time employees additional opportunities to gain income.

5. There is no evidence of additional municipal costs as a result of Sunday and holiday openings.

In our view, these reasons are as compelling today as they were in 1980, when the Report was prepared.

B. Recent Developments

Since 1980, a number of developments have, in our view, added strength to existing arguments supporting Sunday openings.

First, there is growing public demand that retail stores be permitted to remain open on Sundays and holidays. This demand is evidenced by newspaper reports indicating significant retail activity as designated "tourist areas" and at new attractions such as Harbourfront.

Secondly, with the growth of tourist attractions within the downtown area in recent years, it is becoming increasingly difficult to contend (as the present situation at least implicitly does) that the existing designated areas are the only tourist areas in the City deserving of special status. Should legitimate applicants such as Harbourfront or the Eaton Centre be granted tourist area status, then non-exempt merchants in the downtown area would be all the more prejudiced. In our view, it is both more realistic and more equitable to designate the entire downtown region a "tourist area" than it is to continue with a system of scattered exceptions to an increasingly unenforceable prohibition against Sunday openings.

Finally, it is our submission that the Sunday closing law has become outdated. The City of Toronto is comprised of significant numbers of people whose religious beliefs attach no special significance to Sunday. For these people, and for many Christians, the mandatory closing of stores on Sunday denies them both a chance to engage in a form of recreation and an opportunity to satisfy normal shopping requirements. If this issue is to be decided on religious grounds, then we submit that matters of religious observance are best left to the individual.

For these reasons, we submit that the most desirable course of action is to declare the entire downtown area a "tourist area" and to exempt it from the holiday closing law.

C. The Special Position of Bookstores

On August 14, 1978, the Yonge Street Implementation Committee released its General Report. Included in the Report was a series of recommendations, one of which (number 48 (b)) was that book stores and record shops located on Yonge Street between Queen and College Streets be exempted from Sunday and holiday closing requirements. Although the Report focussed exclusively on a specific part of the downtown area, the recognition of the special status of book stores and record shops is significant and need not be limited to a discussion of Yonge Street alone.

It has been submitted by previous applicants that book stores fall within the category of cultural and educational uses already permitted to remain open under Section 2 of the Act. It should also be noted that book stores are of real benefit to tourists as a source of material on Toronto and the rest of Ontario. At least one store, The World's Biggest Bookstore, is a legitimate tourist attraction in its own right.

In our view, several of the more common objections to Sunday openings are not applicable to book stores. First, because they are frequented by tourists, it cannot be said that a Sunday opening policy for book stores would simply spread limited consumer dollars over a greater number of days. Secondly, it is difficult to understand how operating book stores on Sundays and holidays would contribute to the stresses of modern day living. Finally, because book stores would be able to use part-time staff in order to operate on Sundays and holidays, full-time employees would not be pressured to accept unreasonable work schedules.

For these reasons, we submit that, should a general "tourist" designation for the downtown area be deemed undesirable, an exemption for book stores operating within this area is an attractive alternative. Such stores are of benefit to tourists and residents alike and raise few of the concerns envisaged by those opposed to a Sunday opening policy.

BEACHES BUSINESS ASSOCIATION

Communication dated September 8, 1983, from Mr. Norman Smith, President, Beaches Business Association Inc.

Since 1981, The Retail Business Holidays Act has affected and concerned the livelihood of our business community. It is because of this issue that our Association reactivated. Many businesses in our area used to open on Sundays and holidays, creating a service to the consumer, a profile for the area, and a better income for the owners. With the pressure from the authorities, these businesses have either stopped or have had to pay a fine. We have one woman who closed her store because Sunday business was the deciding factor on whether or not she would make a profit. We have had numerous discussions and written letters to our political representatives about this issue, and we have 1,975 names of people on a petition who are opposed to this law.

It is the general opinion of the Beaches Business Association that The Retail Business Holidays Act be repealed. It is an unjust, discriminatory, unfair and unconstitutional law. This law is doing our city, the Province and society great harm. All businesses should have the freedom of choice to open when they want. Why is there such a law governing retail businesses, when other types of business, sporting events, industry and entertainment are allowed to remain open and function on these days? Why is there such a law that gives this committee the power to decided who should and who should not be given a designation? Is this not discriminatory and unconstitutional? Government must not have this control of business; it must be taken out of this control.

What right do big business, unions, religious groups, independent groups and the moral majority have to influence to government and bureaucrats to control the rights of businesses to open on Sundays and holidays. This law is an anti-competition act with big business versus small business. Big business does not want to open on Sunday and holidays and the don't want small business to open either. They are afraid that, if Sunday openings are allowed, they will lose business. Religion should not play a part in this law. We don't force one's religious views on another.

Consumers of this City want the convenience of Sunday and holiday shopping. Why shouldn't they have a choice? This City functions seven days a week, 24 hours a day. Retail business should have that choice as well. What about people who work six days a week - when are they supposed to shop?

Trying to do all your shopping on a Saturday is too hectic. Sunday is a very relaxing day to go shopping and strolling. Sunday and holiday store openings would not force people to work because they would be given a choice if they wanted to on those days. If extra staff is needed, there are thousands who need to work. If needed, we could call on the Labour Control Board to look after the rights of the workers. Sunday and Holiday store openings would create more jobs, more tax dollars and get people off of welfare and unemployment. It would stimulate the economy for people and business. We are in a recession with bankruptcies and vacant stores everywhere. This can't go on any longer. We must be able to open on Sundays and holidays.

It is unfortunate that the Executive Committee should have to deal with this assinine law. It is a waste of time and taxpayers dollars. Until we can have the Supreme Court repeal this law, we will have to deal with this Committee and its guidelines.

The Beaches Business Association has a solution to your problem of who should and who should not be given a Tourist Designation. We recommend that you declare all of the City of Toronto a Tourist area. Now, you don't have to decide and discriminate against any one area. All of Toronto is a tourist attraction. Visitors come to see Toronto not just specific areas. It is a beautiful and interesting city that should be seen by every visitor and every area of this city should benefit from tourism. It amazes me that only certain areas in the city are promoted and visited by tourists. It is time to expand your thoughts on what this city has to offer; it is time to open it up.

If the Committee does not see the merits of our recommendation and vote for it, we shall at this time submit our application for Tourist Designation of the Beaches area. Our boundaries are Queen Street East between Woodbine Avenue and Victoria Park Avenue. We have conducted a survey of the business community and an overwhelming majority wish to see this area so designated. Our area should be given this designation because the Beaches has been a natural tourist area since its inception. We are an historic area with its beginnings as the cottage area of Toronto. We have always had railway and trolley transportation services; an amusement park once stood in our area. The business community has always been here and we have always had our lakefront. The Beaches area is always talked about in all the media. The Beaches area with its business district along Queen Street East, is a main street of Toronto serviced by public transportation with the trolley cars running seven days a week, 24 hours a day, and with buses connecting with subway lines. Along Queen Street East, we have numerous specialty shops, boutiques and restaurants. There is also a mixture of homes, apartments and parkland which gives us the ambiance of a small town. The Beaches Business Association gives a unified voice for the business community and aims to further the development and promotion of the area.

At this time, the Association is commencing Phase I on Queen Street East for designation under the B.I.A. programme. The Beaches area has unique homes and cobblestone streets that twist and turn up and down the hills. We are a natural tourist area; we have never had to add to this area, it has always been with us and the City of Toronto.

We hope the reasons stated above, your knowledge of the Beaches area, and your desire to see our area and the City of Toronto progress, will merit your vote to designate the Beaches Area as a Tourist District of Toronto.

VILLAGE BY THE GRANGE

Communication dated September 8, 1983, from Mr. David A. Klaiman, Solicitor, on behalf of The Village by the Grange

Please be advised that we have prepared the enclosed herein submissions on behalf of The Village by the Grange.

Furthermore, please be advised that the attached submissions are intended to represent our application for designation as a tourist area as provided by in Section 3(8) of The Retail Business Holidays Act, R.S.O. 1980, ch. 453. You will note that I have taken the liberty to provide the Executive Council with 3 copies of the submissions and the attached schedules thereto. In addition, you will find in a separate envelope the originals from which a number of copies contained in the schedules have been reproduced from.

Unfortunately, given the limited time available to make this application, we were unable to obtain sufficient originals for distribution to the entire Council. However, you will note that I have prepared with the materials an index to the schedules, making references to the actual originals and including, where applicable, the necessary references and page numbers. I would hope that this meets with your satisfaction.

Should there be any further questions, or any further materials required please feel free to contact me.

(Application submitted by: The Village By The Grange)

This brief has been prepared on behalf of The Village by the Grange and the tenants therein.

The Village by the Grange, located at 105-49 McCaul Street, in the City of Toronto, is operated, and has for a number of years been operated as a mixed use development i.e. residential (616 suites), and commercial (40,000 square feet office and 100,000 square feet retail and restaurant). In addition, and as will be discussed in detail in the foregoing pages, The Village by the Grange is on countless occasions used by both public and private cultural organizations in the furtherance of their aims and objectives. It is furthermore submitted that these aims and objectives are directly aimed at the rather large tourist trade which over the past several years has become most prevalent in the City of Toronto.

At the outset it should be pointed out that, at the present time, The Village by the Grange (hereinafter referred to as the subject property) could technically qualify as an exemption to Section 2 of The Retail Business Holidays Act, R.S.O. 1980, ch. 453 (hereinafter referred to as the Act), as provided for in Section 3(8) of that Act and pursuant to By-law No. 125-77 of The Municipality of Metropolitan Toronto, as amended by By-law No. 138-77 (hereinafter referred to as the Chinatown by-law). Since the northern portion of the subject property falls well within the limits of 150 feet from the southerly limit of Dundas Street, as set out in the Chinatown by-law, it is clear that the subject property could technically be exempt from those prohibitions contained in Section 2 of the Act.

However, as it has always been the intention of the proponents of the subject property to establish an independent, self-contained residential-commercial community, enhancing the downtown core area, both aesthetically and culturally, in addition to providing leisure, dining and entertainment facilities to the large number of tourists who frequent the area; it is therefore that The Village by the Grange submits that the subject property should be entitled to its own independent tourist designation notwithstanding any current entitlement for exemption under the Chinatown by-law.

Furthermore, it should be pointed out at this time, that in the preparation of this submission, certain and perhaps relevant issues have not been dealt with. Firstly, although the constitutional validity of Sunday closing laws may be suspect, as can best be evidenced by the decision of Justice of the Peace Brian McDermott on August 11th, 1983, in a Burlington Court where Justice McDermott held that Sunday closing provisions of the Act violate the fundamental right to freedom of conscience and religion granted by Section 2(a) of the Canadian Charter of Rights and are inconsistent with Section 27 therein; for the purposes of this submission, we have operated on the assumption that the Act and those relevant sections contained therein, are valid enactments.

Secondly, for the purposes of this submission, the social and moral issues relating to the Sunday closing laws shall also not be dealt with herein.

For all of the above reasons, and in particular, for the reasons contained hereinafter, we would respectfully request that the subject property be given an independent designation as a tourist area pursuant to Section 3(8) of the Act.

1. Of the 90 retail shops situated in the Village by the Grange, at least 95% of those shops have less than 2,000 square feet of retail floor area.

2. The Village by the Grange and the retail shops therein display a distinctive and consistent character.

3. The Village by the Grange and the retail shops therein rely heavily upon pedestrian traffic.

4. The Village by the Grange and the retail shops therein, by being exempted under various categories from Section 2 of the Act, have not only not had an adverse effect on adjacent neighbourhoods, but, have in fact been extremely beneficial and indispensable to the adjacent neighbourhood in providing the much needed facilities, goods and services necessary for the operation of a successful tourist area.

5. The Art Gallery of Ontario which is open on Sundays, is located directly across the street from The Village by the Grange (see Schedule "A"), and furthermore, The Village by the Grange, which provides facilities, foods, goods, and services to the patrons of The Art Gallery of Ontario, also is under agreement to provide all parking facilities required for the Gallery's patrons as advertised by The Art Gallery of Ontario (see Schedule "B").

6. The Village by the Grange, by agreement with a large number of the shops and restaurants located on Dundas Street (i.e. Chinatown district), provides validated free parking for the Chinatown patrons.

7. As advertised, The Village by the Grange provides ongoing entertainment for Sunday tourists in the area.

8. On numerous occasions, The Village by the Grange has provided The Art Gallery of Ontario with additional space required to handle the overflow of numerous exhibits.

9. The Ontario College of Art is also located directly across the street from the subject property and, furthermore, has for the past 4½ years operated a retail outlet located in The Village by the Grange.

10. The Village by the Grange operates ongoing art and craft shows, often on Sundays, for the purpose of providing the large number of tourists to Toronto with a well balanced variety of artistic and cultural events.

11. The Village by the Grange has continually arranged bus tours in conjunction with a number of major Toronto hotels.

12. The Village by the Grange is within walking distance of the Royal Alexander Theatre and Roy Thompson Hall. Furthermore, the patrons of those establishments frequently park at The Village by the Grange and return there for their leisure and dining pleasures.

13. The Village by the Grange is also within walking distance to the new Convention Centre which is presently under construction.

14. The Village by the Grange is also directly across the street from "THE GRANGE", which has in fact been annexed to The Art Gallery of Ontario and is also open on Sundays. In fact, "THE GRANGE" is in and of itself one of the major tourist attractions in Toronto. As has been established, it is the oldest residence in Canada.

15. The Village by the Grange contains 8 independently run restaurants, all totally destination-type restaurants that by reputation attract customers, predominantly tourists, regularly from as far west as Buffalo-Detroit and from as far east as Ottawa-Montreal.

16. The Village by the Grange is in the heart of the University of Toronto community, both educational structures as well as residential housing structures and thereby provides not only goods and services to the student body, but, also provides a tremendous tourist attraction, leisure facilities, and dining haven for the many tourist visitors to the University of Toronto and especially to those visitors of the resident student body.

17. The Village by the Grange is within walking distance of a number of Toronto's major hotels which cater predominantly to the tourist trade (i.e. Sheraton Centre, Westin Hotel, Holiday Inn, City Hall, etc.).

18. The Village by the Grange is directly around the corner from the Campbell House which is a long established tourist attraction that has for some time been opened to tourists on Sundays. Campbell House, believed to the the 3rd oldest structure remaining in the City of Toronto, was the resident of Sir William Campbell, Chief Justice of Upper Canada 1825-1829.

19. Unlike the proposed tourist area at Harbourfront which provides 80,000 square feet of retail space, of which 50% is currently unoccupied, The Village by the Grange provides 100,000 square feet of retail and restaurant space of which 99% is presently occupied.

20. At present, at least 2/3 of the retail units contained within The Village by the Grange, are already open on Sundays and holidays as a result of exemptions under other provisions of the Act or Municipal by-laws and, furthermore, well in excess of 75% of the shops in the area are also already open on Sundays and holidays as a result of other exemptions under the Act or Municipal by-law.

In conclusion, and in light of the above-stated reasons, we submit to you, the Honourable Members of the Executive Committee of the Municipality of Metropolitan Toronto, that The Village by the Grange is in fact, by its very own nature, a truly significant tourist centre within the City of Toronto. In fact, The Village by the Grange is the central nucleus and heart of one of the most visited areas in the Province of Ontario. As has been previously stated, the subject property is totally surrounded by well established tourist attractions i.e. Chinatown district, The Art Gallery of Ontario, The Ontario College of Art, the University of Toronto, The Grange, and Campbell House; just to mention a few.

It is therefore, for all the above reasons, that The Village by the Grange respectfully requests that it be granted an independent designation as a "tourist area", and thereby, be exempted, on its own merits, from the application of Section 2 of the Act.

Index of Schedules

Schedule A: A map of the local vicinity surrounding the subject property together with any and all of the local tourist attractions.

Schedule B: A pamphlet published and distributed by The Art Gallery of Ontario.

Schedule C: The centrefold map contained in the publication known as Invitation, The Visitor's Guide to Toronto; Published by Invitation Magazine, in conjunction with the Ministry of Tourism.

Schedule D: A flyer printed and distributed by The Art Gallery of Ontario.

Schedule E: Reproductions of 3 pages extracted from Discovery Guide, Metropolitan Toronto, 1983; Published and distributed by the Metropolitan Toronto Travel Association in cooperation with the Ontario Ministry of Tourism and Recreation.

Schedule F: A 3 page article which was published in the magazine known as Canadian Living in Toronto, Ontario, Canada.

Schedule G: An article which appeared simultaneously on May 14th, 1983 in the weekend magazine which was distributed by the following publications: The Toronto Star, The Niagara Falls Review, The Hamilton Spectator, The Kitchener-Waterloo Record, and The Windsor Star.

Schedule H: Extracts from the magazine known as Key To Toronto, published and distributed by The Hotel Association of Metropolitan Toronto.

Schedule I: Visitor Study-Report #3: September-December, 1981: Prepared by the Metropolitan Toronto Convention and Visitors Association.

(The above Schedules are on file in the City Clerk's Department.)

GERRARD INDIA BAZAAR

(Brief dated September 15, 1983, from Bhupendra Dhabliwalla, Chairman, Gerrard India Bazaar)

I am Bhupendra Dhabliwalla, Chairman of INPAKTA (Indian and Pakistani Traders Association, Gerrard Street East, Toronto) and Chairman of Gerrard India Bazaar, a Business Improvement Area on Gerrard Street East near Coxwell, Toronto.

At the outset I must thank the Council for giving us an opportunity to express our views on the issue before the house tonight and for permitting us to present our requests to the Council.

I must congratulate the Members of the Council for their fairness and openness on the issue in spite of a policy decision of 1977, not to consider or grant any more exemptions under The Retail Business Holidays Act inspite of the authority vested in the Council.

I am proud of the Council which certainly is willing to voice and recognize the views of its citizens - particularly when the circumstances are changing and have changed - rather than sit back behind the policy decision which certainly has become outdated since 1977, in light of the occurrence of many events.

I don't think there is any need to go into minute details of each of such significant events, however, I must briefly invite your attention to the following:

1. Implications of the Bill of Rights (1982) under the Constitution of Canada and its impact on certain provisions of The Retail Business Act.

2. Implications of certain decisions held in favour of businesses in Alberta and recently in Oakville, Ontario.

3. Loss of substantial tourist business in spite of favourable exchanges rates to the U.S. tourists.

4. Increased unemployment and reduction in economic activities.

5. Sesquicentennial celebrations in 1984, to mark the 150th birthday of the City of Toronto.

6. Wastage of sizeable amount on promotion of Toronto and Ontario as a tourist attraction - because of weekend closings and disappointment to the tourists.

7. Granting of a tourist designation in July, 1983, to a Port Credit Business Improvement Area by the Municipality of Peel only a few miles away from Toronto.

We just cannot ignore the benefits that may accrue as a result of positive rethinking on the part of the Council on this important subject of Sunday opening. After all, the visitors to any City come only on weekends and they are 100% committed to spending money and also see our very unique and very special multicultural city.

The tourists are our backbone for providing impetus to our already slow economic activities, generating additional employment on weekends, and many other spin-off benefits.

- benefits and opportunities for some students to work on Sundays (which may not be possible for some of them at all during the week).

- providing convenience of shopping to local and visiting consumers.

- bringing life in the City on the weekends - none of the protective provisions are sacrificed because of the existing labour laws like "One Day's Rest in Seven Act" or "Employment Standards Act", etc.

At this stage it may be appropriate to quote some excerpts from Mayor Mel Lastman's report to the Chairman and Members of the Legislation and Licensing Commitee, May 17, 1983.

(1) "We can create thousands of full and part-time jobs in Metropolitan Toronto ... at no cost to taxpayers"

(2) "We can give a shot in the arm to our tourist and convention business, reduce costs for businesses, increase the vibrance of our community and reduce a discriminatory aspect of doing business in Metro whereby some retail stores may open while others must close." And

(3) "We can do all these things while still preserving traditional family and religious schedules."

(4) "The Better Busines Bureau predicts a 15 to 20 percent increase in sales in the tourist sector. That's a lot of new money coming into the Metro economy."

(5) "Retailers would do more business and hire part-time students, pensioners or other unemployed people."

(6) "Metro Toronto has changed since The Retail Business Holidays Act was written and it is continuing to change."

(7) "What right has anyone to tell a person that he or she cannot earn a living on a Sunday afternoon or in the evening or on any holiday except Christmas and Good Friday for that matter."

(8) "Even with restrictions, 16 million visitors now spend about 2 billion dollars a year in Metro. It is estimated that 18% of that sum is spent on retail sales and that would increase if we gave visitors half a chance."

(9) Results of Research:

(a) "The Better Business Bureau did a survey which said 70% of small businessmen want to open on Sundays"

(b) "A Ryerson Study from a few years ago indicates 67% of consumers want to be able to buy necessity items on Sunday."

(c) "A recent CKO opinion poll sheds more light on this issue. 68.2% of the public surveyed said retail stores should be able to decide whether to open or not. They didn't want the government to tell stores what to do."

"72.4% of those surveyed said they'd shop on Sundays if given the chance."

The Star poll of July, 1983, indicated that from the number of people interviewed 78% wanted stores to be allowed to open on Sundays and 64% said that such openings will help Toronto's economy.

I am sure the City Council has more statistical evidence of the positive impact and I don't think you need to review tons of statistical data on the subject. All you need to do is visit some bordering and other American cities like Buffalo, Detroit, New York, Chicago and many more. Their experience in a successful tourist business for their cities is a testimony to the need and success of weekend openings.

Speaking from the legalistic point of view I would like to quote from the Alberta and Oakville decisions and also the 1st amendment from the U.S. Constitution.

1. The 1st amendment in part reads "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

2. Alberta decision in part reads: "I hold that Section 4 of The Lord's Day Act (Canada) is inconsistent with the Constitution of Canada in that it is inconsistent with the guarantee of fundamental freedom of conscience and religion contained in Section 2(a) of the Charter."..."In my opinion, freedom of conscience and religion is infringed when accused such as those herein cannot lawfully carry on normal activities every Sunday of the year simply because of a Statute which tries to coerce them into following Sunday observance."

3. I am also quoting some excerpts from the decision in the recent Oakville case. The Court was directed to Section 2(a) and Section 27 of the Canadian Charter of Rights which read as follows:

> "Canadian Charter of Rights and Freedoms"
> 2. Everyone has the following fundamental freedoms:
> (a) freedom of conscience and religion
>
> 27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians"
>
> "The Court, in viewing The Retail Holidays Act points out that of the 60 specified holidays 55 are Christian and 52 are Sundays. Muslim, Jewish and Hindu faiths do not observe Sunday as the Sabbath or a holy day."

Referring extensively to the cases and the decision in the Alberta case, the judge in Oakville has interesting observations included in his judgement:

(1) "The issues herein are challenging, stimulating, and provocative. It has been said that the law is a mirror of progressing life and not an unchanging panel of words graven on tables of stone. The law must be a living science instead of a set of archiac dogmas and doctrines."

(2) "Section 27 is, in my view, of considerable importance in relation to the present problem. In requiring the Charter to be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians, the Section, in my opinion, directs that measure of equal treatment be dispensed when interpreting any problem involving the Charter and a problem involving multicultural considerations."

(3) "I concluded that the issues are basically the same, "the opening of retail stores on Sunday". The learned judges ruled that Section 4 of The Lord's Day Act was of no force and effect and this Court apply the principles set forth in those decision is of the same conclusion in regard to The Retail Business Holidays Act ruling the Act is in violation of Section 2(a) and inconsistent with Section 27 of the Charter of Rights. Consequently, the Court is dismissing all charges against the Corporate defendents and the individuals.

Our Gerrard India Bazaar is a Business Improvement Area designated as such by the City Council, City of Toronto, under the Municipal by-laws.

Our Gerrard India Bazaar is a representative of the multicultural mosaic of Ontario and of the City of Toronto in particular. It is one of a kind in the whole of the North American sub-continent and caters to the needs of South-East Asian communities estimated to be in excess of half-a-million (500,000). In addition, it also services the other non-ethnic communities.

On an annual basis the Gerrard India Bazaar attracts tourist/visitors from outside of Toronto and Ontario - particularly from Quebec and bordering cities of the U.S.A. — numbering approximately 200,000 and upwards, say a quarter of a million.

The major South-East Asian communities served by the Gerrard India Bazaar include people from countries like India, Pakistan, Sri Lanka, Bangladesh, East and South Africa, Kenya, Tanzania, Uganda, West Indies, Guyana, Surinam, Fiji, etc." For most of the communities of South-East Asian origin, Sunday is not a religious holiday.

In conclusion, I would only request that

(a) the City Council designate the Gerrard India Bazaar as a tourist area

(b) in the interim, permit us to close on Wednesday.

Communication dated September 13, 1983, from Mr. Michael Albert, The Elegant Garage Sale

We at the Elegant Garage Sale vigorously oppose The Retail Business Holidays Act, for numerous reasons. My family and I have operated our business for some two years, opening only on Saturdays and Sundays. We had obtained what we thought were proper exemptions to allow us to open only on these two days. To our dismay the Authorities, (including Metro Police at Division 13), had misled us and hence charged us under this ill-conceived Act aforementioned. This has subsequently forced us to change the structure of our business entirely, causing extreme pressure and a substantial loss in profits.

My family and myself are attempting to make a honest living, and to provide what we feel is a much needed service to our community. Our efforts are being suppressed by an antiquated set of laws. These laws are an infringement on our rights as Canadian Citizens. We challenge you to say to us that any Democratic Government can dictate to its citizens when they can and cannot seek a legitimate living. It is our perogative and our right to do so at any time we wish. These laws are typical of Ontario Conservative Government. (I'd say Progressive Conservative but if that were the case, I would not have to write such a letter).

Avoiding changes immediately can only postpone hopes for economic recovery. Unemployment problems will undoubtedly be lessened. Also, to continue the policy of hypocritically granting exemptions to so called "tourist attractions" would be a crime. We implore you to act and to act quickly on this matter. We are entitled to these changes and they are long overdue.

Attached please find, a petition conducted at our store. All opinions cast are those of the Consumer who desire these changes as much as we do. We look forward to prompt changes.

(The petition referred to is on file in the City Clerk's Department).

COMMUNICATIONS IN SUPPORT OF EXEMPTIONS UNDER AND/OR AMENDMENTS TO THE RETAIL BUSINESS HOLIDAYS ACT

Communication dated July 26, 1983, from Mr. Wm. H. Duron, President, Metropolitan Toronto Convention & Visitors Association

It is the position of the Metropolitan Toronto Convention & Visitors Association to support tourism exemptions for retail stores in tourist-designated areas.

Tourism is a two-billion-dollar industry for Metro Toronto, employing some 70,000 people. A large number of these jobs are filled by semi-skilled and unskilled workers. This industry is representative of a wide spectrum of the business community, ranging from attractions, hotels and retail stores, to taxi companies, food and beverage suppliers and printers.

In 1981, the Association undertook an extensive year-long visitor study with 13,000 adults interviewed — results showed that 48.8 percent of the visitors surveyed mentioned shopping as one of their primary activities. According to a study by the Ontario Ministry of Tourism and Recreation, 18 cents of every visitor dollar is spent on retail purchases. Furthermore, a large number of convention delegates register on Sunday for sessions which begin on Monday. This leaves the delegates with a free day to take advantage of opportunities - such as shopping. We also know that recreational visitors favour weekends.

In our marketing efforts, Toronto is promoted as a vibrant, cosmopolitan City. The diverse range of quality shopping is one of the prominent features promoted internationally.

The market exists on Sundays, and research confirms that visitors have a preference for shopping. If we want to fully capitalize on visitor spending, retail outlets must be open.

Further Communication dated September 6, 1983, from Mr. Wm. M. Duron, President, Metropolitan Toronto Convention & Visitors Association

The Convention & Visitors Association, an 850-member trade association supported by Metro and Provincial governments, encourages the members of City Council to exempt tourist-designated areas from The Retail Business Holidays Act.

The visitor market represents two billion dollars in revenue to Metropolitan Toronto and the industry employs 70,000 people who are predominantly semi-skilled and unskilled workers.

One of the principal buying activities of visitors is retail shopping. According to surveys of 15,000 visitors, we concluded that 45 to 50 percent of visitors regard shopping as one of their principal activities. It should be noted as well that retail stores sell manufactured goods such as clothing, so by encouraging retail sales you are also supporting the manufacturing sector. Research also indicates that most visitors are in Metro Toronto over the weekends, including Sundays. Weekend packages encourage holiday travel and most convention delegates arrive on Sunday with meetings starting on Monday.

There are certain areas in Metro which appear to be obvious 'hubs' of buying activity for visitors; however, the decision on which areas meet this description presents itself as a complication which we understand has prompted City Council to suspend the granting of further tourist exemptions.

In order for an area to qualify as a 'tourist area' we suggest that City Council ordain that a required minimum percentage of shoppers in a particular area be out-of-town visitors. We would recommend 25 to 30 percent as a reasonable figure. Independent research, sponsored by the City or the retail merchants in a particular area, would give accurate indications as to which areas qualify for the exemption.

Noted futurist, Herman Kahn, suggested that by the year 2000 tourism will be the world's largest industry. As we face current and prevailing levels of high unemployment, we encourage the pursuit of opportunities that will foster growth in the labour-intensive tourism industry.

Communication dated September 9, 1983, from Mr. Paul J. Tuz, President, Better Business Bureau

In the view of the Better Business Bureau of Metropolitan Toronto, a reassessment of The Retail Business Holidays Act is long overdue. Fundamental changes in our economic and social conditions during the five-year lifetime of the Statute call into question the value of a law which limits the freedom of choice of businesses as well as the public at large, and which impedes the efficient operation of the free-enterprise system. In a contemporary milieu, the objections on which the Act was premised demand reappraisal.

It seems that The Retail Business Holidays Act, covering Sunday closings in Ontario, was designed to provide the public with necessities and recreation, while setting aside a day of rest for both shoppers and the majority of shops. Drug stores may stay open if they have fewer than four employees. Stores selling principally food, newspapers, tobacco, or antiques may open if they have fewer than three employees and 2,400 square feet of space. Essential services such as gas stations, restaurants, hotels, and laundromats may open, as may certain recreational and educational facilities.

However, the controversy over Sunday closings, unlike many squabbles of the marketplace, is not simply one of the desires of consumers versus the needs of business. It is also a bone of contention among business itself.

Our arguments should be prefaced with the acknowledgement of three facts: namely, that the Retail Business Holidays Act originates with the Province of Ontario, and ultimate responsibility for its shortcomings rests at this level of government; that several types of retail businesses qualify for exemption under the Act; and finally, that the law is not aimed at Sunday observance, since businesses have the option of operating on Sundays, provided they remain closed Saturdays.

Notwithstanding the Act's origination with the Province, the issue of responsibility is by no means clearly delineated. Through the implementation of by-laws, municipalities have the power to effectively negate the terms of The Retail Business Holidays Act. This power is granted to them under sections 3(8), 4(2), (4) and (6) of the Act, and it is for this reason that we direct our submissions to the municipal level of government. In respect to exemptions, our minimum objective is to extend the list of business exemptions to include clothing stores, furniture stores, and other businesses dealing in durable and semi-durable wares, as well as service-oriented businesses. Ideally, we would like to see the government disengage itself from the marketplace in this regard, and allow the foundation for a decision on Sunday retail openings to be determined by market forces. The owners themselves, who can be presumed to know what their consumer wants and what is economically feasible for their businesses, should be permitted to determine their hours of operation.

Many consumers no longer consider Sunday a day of rest, but as part of the weekend - and the weekend serves, depending on the consumer's approach, as a timeblock in which to shop for next week's needs or spend last week's salary. Indeed, shopping has become a social activity involving the whole family - and why, shoppers ask, shouldn't they enjoy it on Sunday too?

There is also that minority who works a six-day week, or shifts, so that Sunday becomes for them what Saturday is for everyone else. By revising The Retail Business Holidays Act, we, at the Better Business Bureau, are not advocating a longer work week. Contrary to what many opponents to this Act maintain, we are not suggesting, that we turn our clocks back to the pre-industrial period where employees often worked 7 days a week, ten hours a day. Rather, we support the existing legislation on this matter, and recommend that it continue to be enforced in the business community. A return to a 7 day work week will likely involve some system of flex time. That is to say, a business that operates for 70 hours per week, will likely allocate this time between two employees working 35 hours each.

As for business, the Act seems to recognize that store owners and employees require - or should we say deserve - a day of rest. This day is usually Sunday, but Sunday opening is permissable under the Act for those who close on Saturday, if space and employee restrictions are followed.

However, merchants don't just deserve a day of rest - they deserve some assurance that they can close without missing out on a share of the market because their competitors, by circumventing the law are open. This is the main problem with the law: it is not being uniformly followed or enforced. Some stores are penalized for Sunday opening, while others remain unbothered.

There are of course, a number of good economic side effects that would result from allowing retail businesses to open on Sunday. Greater volume of sales and large business profits might result, for example, in increased employment opportunities, income redistribution, and the establishment of secondary and spin-off operations.

There are approximately 80,000 businesses operating in the greater Toronto area. If The Retail Business Holidays Act was revised so that businesses could operate on Sundays, one-third, or approximately 26,000 of these businesses, would likely take advantage of this opportunity. If one were to assume that the average store employs 6 persons, this would suggest that the equivalent of approximately 32,000 potential full-time jobs would be created. (See Appendix A)

Our tourism industry could also profit from an increase in consumer spending. In the past, a great number of tourists have left Toronto on a Saturday evening rather than prolonging their holiday to the following Sunday. Many of the tourists that we spoke to said they loved Toronto, "but liked to go shopping on their holidays; not just sit in their hotel rooms". Along the same lines, Sunday closings have encouraged Torontonians to cross the border at Buffalo and Niagara Falls, for example, and shop on this day so that they may do the shopping they couldn't find time for earlier in the week.

In the Spring of 1980, the Better Business Bureau of Metropolitan Toronto conducted an informal survey to review The Ontario Retail Business Holiday Act. One thousand three hundred and twenty-six representatives of member companies were asked for their opinion on Sunday closings for retail businesses. An overwhelming majority of the respondents (928), indicated their preference for either a repeal of the Act, or substantial modifications.

Four major factors were considered enough to warrant a re-evaluation of the law: greater convenience to shoppers, particularly since the recent influx of women into the work force has dramatically increased; the economic stimulant Sunday shopping should provide; the potential boom to the tourist industry; and the desirability of reducing government intervention in the marketplace.

The responses received from our survey indicate that the people supporting either the statute's amendment or its repeal include both business owners and the consumers. The aim of the Better Business Bureau is to serve with impartiality the interest of both the business community and public. Hence, we extend the services of our Bureau to Metropolitan Toronto and will be pleased to conduct another survey of the 10,000 firms certified by our organization. These businesses, in order to qualify for certification, must have been in business for at least one calendar year, have a record of prompt attention to and satisfactory treatment of customer complaints, and must sign and adhere to a contract committing itself to the Bureau's Code of Ethics. (See Appendix B)

It is an unfortunate fact of life that the legal code system seldom reflects contemporary social realities: the law is always playing catch-up to changing conditions. The Retail Business Holidays Act provides an illustrative example: the gap between the law and existing social and economic conditions is already significant. In a contemporary setting, the Act has at best marginal value, and in its present form, at least, has outlived its usefulness. The economic, social and political benefits that could be realized as a result of allowing retail businesses to operate on Sundays far outweigh any costs, potential or real, to any segment of the populace. A reappraisal of the Act, with a view to the modification of its repeal, is most definitely in order.

(Appendix A)

There are approxiamtely 80,000 businesses operating in the greater Toronto area. If we were to allow these businesses to remain open on Sunday, we have estimated that approximately one-third, or 26.6666 thousand of these firms and retail outlets, would take advantage of this opportunity. Assuming that the average business were to employ 6 persons, 26.6666 thousand businesses multiplied by 6 working days, would leave us with 159.9999 people days. Since Sunday is only 1 day, while the average working week is 5 days, we can divide the "people days" (or 159.99999) by 5 and be left with 31,999,998 potential full-time jobs created.

Appendix B

Code of Ethics for Certification with the Better Business Bureau

(1) To serve the public with honest values

(2) To be truthful regarding goods and services offered

(3) To honour guarantees offered

(4) To strive to ensure that the normal use of merchandise or services offered will not be hazardous to public health

(5) To advertise and sell merchandise or services on their merit

(6) To avoid all devices and schemes which prey upon human ignorance and gullibility

(7) To refrain from the use of unethical competitive practices

(8) To be sympathetic with the complaints and criticisms of the buying public

(9) To maintain a healthy business environment by reinforcing mutual respect and openness between customer and merchant

(10) To encourage communication and co-operation among Better Business Bureau members

Communication dated September 6, 1983, from Mr. D. Devnich, Director, Dept. of Public Affairs, Seventh-day Adventist Church

Thank you for the notice respecting the September 15 Public Meeting.

Enclosed are several copies of a Memorandum-Brief which we trust you will circulate to the Committee Members. We appreciate the opportunity of informing the Committee Members of our concerns.

We do not consider it necessary to publically address the Committee on September 15, provided they study this Brief and hold our concerns in mind during discussion and in the decision-making process. Nevertheless, I do intend to be present at the meeting as an observer or to answer any questions.

Thank you again for receiving these materials.

—

A Memorandum of Concern

Having reviewed the report of the Executive Committee of July 22, 1983, and subsequently adopted by City Council on August 8, 1983, respecting The Retail Business Holidays Act, the Seventh-day Adventist Church submits the following observations for consideration at the Public Meeting on September 15, 1983.

With carefulness not to intrude unduly into political and commercial matters, the Seventh-day Adventist Church hereby wishes merely to inform the Council with respect to the elements of unwarranted encroachment on religious freedom which rigid applications of the Act do cause.

While civic governments are responsible to develop and modify laws to protect citizens from impositions of uncontrolled commercialism, they are also responsible to protect minorities from the tyranny of the majority in matters of conscience.

It is clear that existing labour laws adequately protect employees from potential unreasonable demands of employers. It is not so clear that civic governments are prepared to protect individuals in the workplace who are forced by socio-political structures to make the unfortunate

choice between economic security and following religiously-based conscience. As in the case of strictly applied Sunday-closing laws, those who observe a day other than Sunday are frequently fired from work because Sunday-closing laws nearly eliminate the option of employment on Sunday in lieu of rest on another day.

Further, it is a matter of principle that the state must not legislatively align itself with a religiously-based teaching and practice which results in individuals suffering civil disabilities because of their religious beliefs, or which force individuals to subscribe to the tenets of any religion. (The Canadian Bar Review, March 1983, p.44)

Usually Sunday-closing laws are purported as giving support to the Christian practice of Sunday rest and that this is entirely legitimate in the Canadian context of a Judeo-Christian heritage. With respect to the argument, we must inform the City Council that the Seventh-day Adventist faith is fully a Christian faith and subscribes to the Biblically prescribed observance of the seventh day of the week as the Sabbath. The argument falls because, notwithstanding non-Christians, Sunday is not the universal day of rest of all Christians.

We appeal, therefore, to the Council that if any changes are to be made in the matter of applying The Ontario Retail Business Holiday Act, that those changes be in the direction of relaxation rather than in the direction of increased restriction.

Thank you for receiving this Memorandum-Brief and for consideration of it in your deliberations.

Communication dated August 30, 1983, from Ms. Mary-Jane Large

As a resident of Toronto my whole life I wish to comment on the above issue. I have observed the growth of this city in the past twenty-five years and am proud to call it home. As a tourist attraction we have a safe, clean city to visit. I strongly recommend a more liberal policy of open stores on Sunday. This policy will:

1. attract more tourists,

2. give Torontonians who work all week a chance to shop,

3. provide badly needed jobs since the extra day of opening will mean others must be hired.

The areas which are proven attractions are Yorkville and Harbourfront. They have been developed for people and should be allowed to remain open when people want to use them.

Communication dated September 9, 1983, from Katherine M. Mellon

With reference to the upcoming council meeting regarding exemptions to The Retail Business Holidays Act, I will not be able to attend the public meeting, but would like to submit my views, as a resident of downtown Toronto.

I know from previous experience working in the hotel industry that a great number of tourist dollars are lost because of the Sunday closings. It's quite a surprise to our American friends who expect to be visiting the 'cosmopolitan' City of Toronto, and find that we are subject to such Victorian laws.

I certainly believe that the Eaton Centre, Yorkville and all of Yonge Street, from Bloor to Queen, should be deemed tourist attractions. If these areas are not tourist attractions, then I don't know what is.

In our sagging economy, it is necessary to help our businesses wherever possible. Allowing them to be open an extra day a week seems to be a good idea, at no cost to the government.

I realize there is a religious question on this issue, but for those who truly believe in 'keeping the Sabbath holy', they need not open their establishments nor patronize those who do.

Toronto is too much of a multi-cultural city to impose the old Anglo-Saxon "Sunday must be the Sabbath" rules.

Brief dated September 15, 1983, from Mr. M. Tigh, Chairman, Community Relations Committee, and Ms. R. Luty, President, St. George Liberal Association

The Executive of the St. George Liberal Association has addressed the question of Sunday store openings. Our thoughts and recommendations are outlined in this brief.

Sunday Openings, A Statement of Principle:

We believe, as a statement of general principle, that retail businesses should be given the option to open Sundays. The main points of our position are summarized below.

1. Economic benefits: The availability of Sunday shopping would stimulate consumer and tourist spending and provide additional tax revenues for government.

2. Employment benefits: Sunday shopping would create jobs, and allow part-time employees to gain income which they cannot, because of family, scholastic or other commitments do otherwise. There are many people who would welcome the opportunity to work on Sundays. However, there is legitimate concern with regards to workers' rights. In tandem with the easing of restrictions on Sunday openings should be legislation designed to ensure the worker's right to a day of rest and provisions for protection of religious beliefs which may come into conflict with Sunday work.

3. Freedom of choice: Perhaps the most compelling reason for Sunday store openings is the individual's right to freedom of choice. Each citizen, be they consumer or store owner, should have the option to decide the issue of Sunday shopping for themselves. Government today is under increasing fire for constantly regulating the daily lives of its citizens. By allowing freedom of choice, the people will dictate whether Sunday openings are desirable through the force of the marketplace.

The opposition is quick to point out that Sunday store openings would destroy the tranquility of our common day of rest. We take exception with this position. The fact is that individuals are quite capable of making their own conscious decision concerning shopping on Sundays. For many, Sunday will remain a day of rest, and for others, the option to work or shop will be a viable alternative. As leisure time expands in our society, families and friends will rely less and less on one common day of rest. Instead society will be expected, with few exceptions, to provide goods and services seven days a week. In the long run, freedom of choice will become an existing norm in our society.

The Retail Business Holidays Act and Municipal Government

For the reasons outlined in our statement of principle, we believe The Retail Holidays Act is fast becoming obsolete in today's society. The Act puts unnecessary burdens on the municipal level of government. Rather than coming to terms with the issue of Sunday openings, the Provincial Government has neatly scuttled the question and shifted the burden on to the shoulders of the municipalities. Section 4 of the Act allows municipalities to exempt designated tourist areas from Sunday and holiday closings. We view this section as nothing more than a Catch-22 which has repeatedly forced municipal governments into preferential and discriminatory decisions. Further, Section 4 of the Act has ensured that the centre of controversy rests with the municipalities. While we are thankful for the opportunity of public hearings such as tonight's City Council initiative, we find it unfortunate that the City of Toronto is forced to wage the battle on behalf of the Provincial Government. Clearly this is unfair to the City and an abdication by the Provincial Government of its legislative responsibility.

Designated Tourist Areas

The issue of designated tourist areas is, at this time, out of control. While there is merit in the application submitted by Harbourfront, their request has led to a predictable deluge of proposals from the Eaton Centre, Coles Book Stores, the Beaches Business Association, Village by the Grange, Village of Yorkville, Yonge-Bay-Bloor Association ... and the list goes on. Council will not be able to arbitrate this matter with any equity. To be sure, Council can reject the applications of these groups, but this will not serve to resolve the problem.

Throughout the past summer, stores have openly defied the law by remaining open on Sunday. Taxpayers money has been wasted through the selective enforcement of the law. It is clear, through the events of the past months, that this legislation has caused an administrative nightmare.

Council Action of May 30, 1983

On May 30, 1983, in response to proposed action by Metropolitan Tororto government, for a trial period of Sunday afternoon store openings during the summer of 1984, the following motion was proposed and adopted by Toronto City Council:

"Alderman O'Donohue, seconded by Alderman Beavis, moved that whereas the Metropolitan Legislation and Licensing Committee has requested Metropolitan Chairman Paul Godfrey to meet with the appropriate Provincial Ministers to solicit their help for a trial period of retail store openings on Sunday afternoons during the summer of 1984; and whereas the City of Toronto will be most affected should Sunday openings occur due to the concentration of retail stores and shopping facilities in the City of Toronto; and whereas such trial opening will undoubtedly lead to the extension of the six day work week which we presently enjoy, to a seven day work week; and whereas the negative impact of such Sunday openings would far outweigh any benefits; therefore be it resolved that the Council of the City of Toronto inform the Provincial Government that it is opposed to any amendments to legislation that would permit such opening of retail stores on Sundays."

The adoption of this motion was in our estimation a regressive step which will only serve to ensure further confusion and controversy. We urge the members of Council to reconsider Motion No. 967 and adopt a course of action which will result in constructive solutions to the problem of Sunday openings.

Recommendations: Given the storm of controversy surrounding the question of Sunday openings, it is the responsbility of City Council to take a leadership role in this matter. Constructive steps which would facilitate a smooth and orderly transition to Sunday store openings could be adopted through the following set of recommendations.

I That City Council rescind the motion of May 30, 1983, pertaining to Sunday Store openings.

II That City Council endorse and join with the Metropolitan Government in adopting a "test" period of Sunday afternoon retail store openings during the summer of 1984.

III That City Council empower the Mayor or Chairman of Metropolitan Toronto to meet with appropriate provincial ministers so as to establish guidelines designed to: (a) implement a "test" period of Sunday afternoon store openings during the summer of 1984, and (b) ensure that workers' rights to a day of rest and to their specific religious convictions are respected.

IV That procedures be instituted whereby statistical information can be gathered to measure the impact of the "test" period of Sunday afternoon store openings.

V That City Council, in light of a proposed "test" period of Sunday store openings, hold all applications for designated tourist areas.

COMMUNICATIONS IN OPPOSITION TO EXEMPTIONS UNDER AND/OR AMENDMENTS TO THE RETAIL BUSINESS HOLIDAYS ACT

Communication dated July 22, 1983, from Mr. Les Kingdon, President and Executive Director, People for Sunday Association of Canada

We have been given to understand that The Executive Committee will meet on Wednesday, July 27, 1983, to consider its position with respect to future Tourist Exemption By-Laws.

It had been our hope that deputations would have been invited to contribute to this discussion.

We would be the first to agree that the Harbourfront is a very worthwhile contribution to the interest of tourists.

We fail to see where the stores in The Queen's Quay Terminal make any contribution to Section 4.2 of the Act, "Where it is essential for the maintenance or development of a tourist industry."

It is crass commercialism on the part of the tenants of The Queen's Quay Terminal, who seek a competitive advantage that is denied to others.

We believe that Council, in its wisdom, has rejected the numerous applications in recent years, one decision as recently as last month.

Council, at one point, decided to request the Provincial Government to remove the Tourist Exemption privilege from The Retail Business Holiday's Act, with which we heartily concur.

The granting of Tourist Exemptions in Ontario has produced a ripple effect which is intensified each time an exemption is granted.

There has not been a professional or scientific poll on this subject. The closest approach to this was a poll conducted by C.B.C. in December, 1981, and 93.7% of the respondents (10,194 out of 10,880) favoured restrictions on Sunday selling.

It is fully appreciated that in eighteen months opinions could change, but we fail to see where opinions could change to reduce this opinion.

We believe, that it is incumbent upon the Provincial Government to provide equality in Ontario, where an imbalance cannot be created by a Municipality.

We appreciate your interest and position on this subject. We trust that the wisdom of The City Council will again prevail in the taking of a position that places the responsibility directly upon the Provincial Government.

The above views, are not only those of The People For Sunday Association, but also the view of The Ontario Committee for the Regulation of Sunday and Holiday Retailing, a list of whose members is attached.

(The list referred to is on file in the City Clerk's Department.)

Further Communication dated September 15, 1983, from Mr. Les Kingdon, President and Executive Director, People for Sunday Association of Canada, and on behalf of The Ontario Committee for the Regulation of Sunday and Holiday Retailing)

Introduction

1. The People For Sunday Association of Canada, formerly known as The Lord's Day Alliance, and of which I am the President and Executive Director, had concerned itself with the preservation of Sunday as a Day of Rest, for the past 95 years. A list of its Officers and Directors is attached.

2. It was not the intention, in 1888, when our Association was formed, to legislate people into church attendance, but rather to provide a common pause day for railway workers and others, who were obliged to work seven days a week.

3. Today, our mandate remains the same. There are those who would view this as a "religious law", but such is not the case. Sunday has, traditionally, for more than four centuries, been a common pause day. One cannot envisage municipal, provincial, or federal employees giving up this common pause day — nor is it right to expect others — except for essential services, to give up this pause day to, in most cases, satisfy self-serving interests.

4. This submission is also endorsed by The Ontario Committee for the Regulation of Sunday and Holiday Retailing.

5. This Committee was organized in 1979 and has as its mandate the enforcement of The Retail Business Holidays Act.

6. The members of this Committee represent trade and consumers associations, retail unions, individual and corporate retailers, together with most church denominations. A list of these members is attached.

7. During these years, legislation at the Federal and Provincial levels has been enacted. In all instances, this legislation was as a direct result of the public requesting restraints on Sunday retailing.

8. The Federal Legislation, which provided The Lord's Day Act in 1906, is written in the language and expresses the values of that era.

9. This Act makes provision for the Provinces to enact Provincial Legislation. In 1977, the Law Reform Commission, recommended that the Federal Lord's Day Act be repealed, but that "The Federal Government should indicate its intention to do so in such a way as to allow the Provinces and Territories sufficient time to review, amend, or introduce their own secular and comprehensive measures concerning Sundays."

10. In the early 1970's it was common practise for stores to open on Sunday and at this time the Electorate asked for Sunday Legislation, which was expressed through consumer associations, trade associations, labour unions, etc.

11. In 1974, Draft Legislation was prepared, and the then Attorney General, George Kerr, undertook to arrange meetings, throughout the Province, with interested groups. Eighty-five per cent supported the Draft Legislation. As a result of this input, The Retail Business Holiday's Act was enacted in 1975.

Purpose of the Act

12. It is obvious from my previous observations that this Act was designed to bring discipline to the marketplace, where chaotic conditions were developing.

13. The Act recognized the need for essential services. Provision was made to exempt foodstuffs, newspapers or periodicals, or tobacco, or articles required for the use of tobacco, antiques, or handicrafts.

14. In granting this exemption, it was conditional on no more than three employees, and no more than 2,400 square feet of selling and display area being utilized. The Act also provided exemptions for drugstores, with a limit of four employees.

15. It also provided exemptions for gasoline and motor oil, nursery stock and flowers, without restriction.

16. Fruit and vegetable markets were given a complete exemption from the Act from the "First day of April to the 30th day of November of the same year."

17. There is also provision for stores who are closed on Saturday, permitting them to open on Sunday.

18. Exemptions, without restrictions also apply to prepared meals, living accommodation, laundromats and other coin operated services, rentals of vehicles and boats, servicing and repair of vehicles and boats.

19. While the intent of the Act was to bring restraint to the marketplace, it must be viewed as very liberal legislation in the light of the many exemptions which have been granted.

Tourist Exemption By-laws

20. In our opinion, the right to enact Tourist Exemption By-laws by Municipalities was to provide exemptions for cottage country, where there is an unusual need and a short season for sales.

21. The test for such a by-law is that it meet the requirement, "Where it is essential for the maintenance, or development of a tourist industry."

22. It is our understanding that this meeting has been convened, as a result of an application for a Tourist Exemption By-law for the Queen's Quay Terminal at Harbourfront.

23. The Harbourfront facility has operated for many years. It has a charm and tranquility that makes for a pleasant Sunday. It provides a demonstration of virtually every craft that has been conceived. It offers excellent theatre presentations. It provides access to boating facilities. It offers varied and commendable dining, in many dfferent restaurant settings. It is a cultural and recreational centre that brings credit to the City of Toronto.

24. In our opinion, this is not a tourist attraction, but the utilization of the waterfront for cultural and recreational pursuits, enjoyed not by tourists, but mainly by citizens of Toronto, whose circumstances, in many instances, do not permit them to travel.

25. The Queen's Quay Terminal will not enhance the Harbourfront, but would provide a competitive advantage denied to others.

26. If a Tourist Exemption were granted to Queen's Quay, there would be a proliferation of applications which will be difficult to deny, and could result in a complete abandonment of restraint within the City of Toronto.

27. We respectfully submit that there is no objective evidence to indicate that Queen's Quay Terminal is, "Essential for the development or maintenance of a Tourist Industry."

What are Tourists Saying?

28. To the best of our knowledge, there are no authoritative polls on this subject.

29. The best evidence that is available is that of letters to the Editor of the Toronto newspapers.

30. In reviewing our clipping service, we cannot find any tourist complaining of stores being closed on Sunday.

31. The majority of letters are ones of commendation of the beauty, cleanliness, and the privilege to walk, in any area, with freedom from violence.

Is Toronto a Big League City?

32. We think so. We also are aware that many cities look to Toronto for leadership.

33. Many editorials in newspapers, outside of Toronto, express dismay on the Tourist Exemption question. (See Appendix A).

What Do Retailers Think?

34. In an August issue of "Mandate", a publication of The Canadian Federation of Independent Business, a survey was published on the question, "Are you for or against legislation to permit the opening of retail operations on Sundays and statutory holidays. (See Appendix B).

35. This survey, responded to by 25% of their 64,000 members, indicated 58% were against further relaxation. While 38% responded in favour, it must be recognized that many of these could be in Tourist designated areas, and who could ill afford to lose this privilege.

36. The Lumber and Building Materials Association of Ontario published, in August, the results of their June survey on this subject. This survey indicated 67% favoured retention of the Legislation. (See Appendix C).

37. It is interesting to review the remarks of these retailers. A very large number suggested a tightening of the legislation and more severe penalties.

What Does the Provincial Government Think?

38. The Solicitor General, The Honourable George W. Taylor, Q.C., has stated the following:

"No plans to change the Province's Sunday closing laws, noting the province is satisfied with the law and that there is sufficient exemptions.

"The Legislation contains generous exemptions for small grocery stores and fruit and vegetable stores. Broader exemptions were certainly never intended under the guise of serving tourism.

"When the Legislation was enacted, municipalities impressed us with the promise that the exemption power would not be exercised irresponsibly."

"It is extremely disappointing that some unjustified exemptions have apparently been granted."

What Do the Public Think?

39. We believe that there is a very large silent majority, who share our opinion, that the traditional day of Sunday be preserved as a common pause day.

40. To identify this majority, the People for Sunday Association and The Ontario Committee for the Regulation of Sunday and Holiday Retailing, published (See Appendix D) a full page advertisement in the Toronto Star on September 11, 1983.

41. Early results indicate that the majority favour restraint on Sunday retailing. Final results will be conveyed to all Members of Council.

Conclusion

42. Evidence, to date, seems to convey that Tourist Exemption By-laws should not be enacted as a result of emotional debates, that do not look at reality.

43. In Metropolitan areas, with many diverse communities, many inequities can take place, when self-serving interests are protected.

44. There is no hard evidence to indicate that additional sales or employment are created by Sunday retailing. Retail dollars are simply allocated to seven, rather than six shopping days. Retail employees work schedules are designed to meet Sunday retailing — additional employment does not take place.

45. Retail outlets, seeking exemptions, are only concerned with the competitive advantage which they receive, and which is a disruption of the marketplace.

46. The City Council, in its wisdom, has recognized the problem. In the past, they have voted to have the Tourist Exemption privilege, granted to municipalites, removed from the Act.

47. On numerous occasions, they have voted against the granting of additional Tourist Exemption By-laws.

48. We respectfully submit that there is no new evidence that should cause Council to reconsider its previous position. We believe, that the best interests of the citizens of Toronto will be served by Council reaffirming its previous decisions to deny all Tourist Exemption By-law applications.

(The Appendices referred to are on file in the City Clerk's Department.)

Communication dated September 8, 1983, from Rev. Hudson T. Hilsden, Coordinator, Social Concerns and Public Relations, Office of Information, The Pentecostal Assemblies of Canada

The Pentecostal Assemblies of Canada strongly opposes further exemptions in respect of designations of "Tourist Areas" under Section 4 of The Retail Business Holidays Act.

The Pentecostal Assemblies of Canada, with its International Headquarters located in the Borough of East York, has 970 congregations throughout Canada with adherents numbering about 170,000. Some 40 of these congregations, many with adherents numbering well over 1000, are located in the Greater Metropolitan Toronto area. The aggregate number of adherents in this vicnity amounts to about 15,000. We therefore have a deep interest in Toronto and are greatly affected by its culture and economic policies.

We recognize the need for retail businesses to take advantage of every opportunity in these stressful economic times but we are compelled to ask, at what cultural and spiritual cost to the people of our metropolitan community? We recognize the difficulties in administering the exemptions to Section 4 of The Retail Business Holidays Act, since business in neighbouring communities complain that the exemptions allowed in the Act are applied unfairly.

We recognize that some retail businesses serve the community well on Sundays in that they make available essential services, food and medicines. However, we sincerely question the good that is intended to be done in the community by the ever-growing proliferation of applications for exemptions, under the pretence that the tourist trade demands open shopping on Sundays.

Our objection to allowing further exemptions is basically two-fold. We are gravely concerned about the survival of the traditional family unit. The family, after all, is the foundation and fabric of the community. The family must have a day to enjoy leisure time together. Further exemptions can only lead to greater pressure on the family when one or more persons must be away at work. We all know the catastrophic results when the family unit is fragmented. We all pay dearly for this destructive principle.

Our second concern relates to the religious implications of the drift toward an open Sunday shopping concept. Churches and synagogues provide a cultural and spiritual dimension to the individual and the community that no other institution supplies. When the worshipping family is further fragmented by the demands on employees by the retail industry, something vital and irreplaceable is lost. The very life of the community is threatened.

We recognize the extremely difficult decision the Executive Committee must make. We urge you, in the strongest possible terms, to resist the pressure being brought upon you. We ask that you exercise courage and resolve by denying any further exemptions to The Retail Business Holidays Act.

Communication dated September 7, 1983, from The Most Reverend Lewis S. Garnsworthy, Archbishop of Toronto, The Anglican Diocese of Toronto

The Anglican Diocese of Toronto has been made aware of a public meeting scheduled by the Toronto Executive Committee for September 15th. We understand that the meeting will consider exempting further areas within the City, or retail establishments, from the general requirements of Sunday and Holiday closings.

In a brief submitted to the Council of the City of Toronto in 1979 we emphatically opposed any further erosion of The Lord's Day Act by granting business establishments exemptions from the Act by means of Tourist Exemption By-laws.

We have had no reason to change our views or opinions in the intervening years. We are still strongly opposed to commercial business being conducted on a Sunday, not only for religious reasons, but also because we firmly believe that the majority of people should have a standard, universal day free from work, at least one day a week. In this country, by tradition, the day is Sunday.

We believe further exemptions to the provisions of The Lord's Day Act, allowing certain businesses to open on Sunday, will lead to an increase in family breakdown, through parents being forced to work on Sunday while children are home from school. Even though there may be a conscience clause in an employee's contract with his/her employer, allowing him/her to be exempted from Sunday work, few employees will feel free to avail themselves of such an exemption for fear of offending their employer, or of being denied promotion in their particular business.

We trust that wise counsel may prevail at the Executive Committee meeting on September 15th, and that all members will stand by the decision on Tourist Exemption By-laws made in 1979.

Communication dated September 9, 1983, from the Director of Diocesan Services, Anglican Diocese of Toronto; Director, Social Action Office, Roman Catholic Archdiocese of Toronto; and Executive Secretary, Toronto Conference, United Church of Canada

Over the years our churches have consistently supported a universal day of rest for all people, which in Canada has traditionally been Sunday. We have expressed the concern of working people for the need of such a day of rest to give family members opportunity to share with each other and their friends.

For this reason we affirm the position taken by our churches and urge that The Ontario Retail Business Holidays Act be retained and enforced.

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The request for stores along the Yonge Street Strip to remain open on Sundays to serve the needs of tourists, has come to our attention. We, the Social action persons in the Anglican, Roman Catholic, and United Churches, wish to make the following statement:

We feel that The Ontario Retail Business Holidays Act, which came into force throughout Ontario on January 1, 1976, adequately covers all the needs of tourists in the city. We support its continuance. It seems to us that this request and the reasons given for it, fits many other stores and regions within Metropolitan Toronto, and is but another attempt to have stores open seven days a week. The line between those that should and should not be open is defined by The Provincail Act and to reopen this issue seems to us to be unrealistic and unnecessary. We recommend that the proposal not be accepted.

Our concern is for the working people who require their day of rest, and during that day to be able to visit with their friends and relatives who also have that same day off.

(Communication dated October 21, 1975, addressed to the Premier of Ontario, from the Anglican Church of Canada, the Secretary, Baptist Convention, the Presbyterian Church in Canada, the Roman Catholic Archdiocese of Toronto, and The United Church of Canada, Toronto Conference)

A great many of us are concerned about the increasing commercialism of Sunday. On every side supermarkets are opening on Sundays and other businesses will follow suit, all of which occasions great concern to thousands of Church people in this Province. It is obvious that such openings interfere with the opportunities for worship which many families ought to be able to have together. On a totally non-religious basis it also means that a great many people are prevented from having a "pause day" together as a family, for rest and recreation.

Over the past several years leaders of Church business and labour have appealed to the Provincial Government for careful legislation in this matter and we note with positive approval your own statement, during the recent election campaign, that legislation would be shortly forthcoming on this matter.

This letter is simply to offer our strongest encouragement to have, on the statute books of this Province, legislation which will be realistic in terms of the use of Sunday and to have such legislation at the earliest possible moment.

(Brief dated June 12, 1974, containing Reflections on the Government's Green Paper on Sunday as a Common Day of Rest and Uniform Store Hours, presented to the Provincial Secretary for Justice of the Government of Ontario by The Catholic Conference (of Bishops) of Ontario)

Introduction

Since we are aware that the Government of Ontario welcomes reaction to its timely Green Paper on Sunday as a Common Day of Rest and Uniform Store Hours, and since we believe the subject to be an important one, we, the undersigned, have drawn up the following to reflect our views.

We are grateful for having this opportunity to speak to government.

Part I - Sunday as a Common Day of Rest

1. Speaking briefly and to the point, we are in favour of a more restricted than a more open Sunday.

2. We understand that any new legislation should be secular, not religious. However, since any legislation naturally reflects the beliefs and cultural practices of the society for which it is enacted, the traditional reverence of Christians for the Sunday as a day of worship and rest cannot be lightly put aside. Indeed, it should be considered, historically speaking, as the basic underlying reason for Sunday observance as opposed to Saturday observance, or any other day of the week. And, in saying this, we wish to show proper respect for the opinions and traditions of others who may, for religious reasons, have a preference for Saturday observance.

3. In other words, to maintain Sunday as the common day of rest has in its favour the preponderant weight of centuries of actual practice, a very strong argument for retaining it as the day of rest, for it would be reckless and disruptive to cast aside lightly this common heritage of the western world. Indeed, the choice of Sunday obviates any major overhaul or change in our educational, institutional, industrial and business practices already in force for such a long time.

4. Some of the basic arguments in favour of a stricter observance of Sunday as a day of rest seem to be the following:

   (a) The basic need of man and society to live with dignity and reasonable leisure.

   Man is called to live in harmony with his God, his neighbour and himself. He is not merely an economic unit to be constantly exploited but rather a human person whom economics as all else must serve and ennoble.

(b) The social aspect of Sunday as a day of rest and leisure.

Sunday for so many centuries has been considered as a family day and a day calculated to cater to radical human needs such as rest, relaxation, recreation, change of pace, religious worship, companionship, and so much else.

Strict observance, therefore, of Sunday as a day of rest ensures the majority a much needed silence and absence of routine clamour, a measure of freedom and serenity; it alleviates too the pressure of daily rush hours and the routine of the average work day.

Thus Sunday observance helps people to see the rest of the week - the work week - in its proper perspective. It can and does have a restorative effect for the human spirit. This is why someone has said so aptly that Sunday could be called "Mental Health Day".

(c) The prevalent strong tradition of Sunday observance is not just part of the Canadian heritage but also part of the tradition of other countries. Canada (and Ontario), host to so many immigrants, actually caters to their humanity and cultural background by guaranteeing them their traditional and family day of rest.

(d) The actual trend towards a shorter work week and the determination of so many, including most unions, to secure Sunday as a special day of rest.

Even the Saturday has become more and more a part of a longer rest period. There is, for example, a move afoot within the cemetery unions not to have burials on Saturday so as to guarantee their members a long weekend!

Perhaps, unwittingly, modern man is groping towards Joseph Pieper's ideal of "Leisure as the basis of culture".

We must recognize that an energy crisis or pollution itself is not restricted merely to the material world. There is also a far more serious pollution of the human spirit that goes with uncontrolled harassment of human beings in terms of unremitting economic and commercial exploitation.

(e) Not to set aside and protect one key day of rest in each week really means not to have any common day of rest at all!

We acquiesce without demur to the commercialization of weekdays. But we have to call a halt to a similar encroachment upon the Sunday, the time-honoured welcome day of rest.

And here the need of the overwhelming majority must be considered and fostered.

5. The need for stricter legislation to protect Sunday as the common day of rest - through a new "Sunday Leisure Act" - comes from the incontestable fact that a steady erosion towards a more wide open commercialization of the day has occurred this past decade. We can easily lose all that we formerly had and still need merely by default. Then the cure will necessarily become more painful than the malady itself!

6. We are, of course, not against some basic Sunday services. Our modern society demands this, e.g. our protective services; gasoline and oil services; operation of eating, recreation and other establishments; and some industrial production that must operate continuously so as to function properly and economically.

What we are against is over-extension of commercial activity, a proliferation of commercial outlets that tend to change the character of the day ("business as usual"!), the tendency to reduce Sunday to just one other day in the week.

There must be, then, strict control of what we consider in this Province essential Sunday services. Option One, Nos. 5, 6 and 7 of the Green Paper attempt to define such services, and some discretion could be left to municipalities in holiday and seasonal areas to implement such directives.

7. The argument from some quarters that much of their business can be done better on Sunday is really no argument, or just a weak one. It appears to us a defeatist attitude; an attack on man's ingenuity. If commercial enterprises cannot satisfy their customers six days a week - and this with increasingly extended store hours - then there is something wrong with their methods of merchandising. Strict controls for Sunday observation would, however:

   (i) only ensure that people would patronize shops, shopping centres and other retail outlets during the week, thus preserving the special character of Sunday as a common day of rest, and

   (ii) at the same time spare retail outlets the need of having one more work day.

Shopkeepers et al should recognize that society wants less not more working hours. And they too have obligations to contribute positively to the preservation of the Sunday. An exaggerated consumerism should be avoided.

8. But people accept an open Sunday ... Naturally, if we allow full commercialization of the Sunday, people will take advantage of it. Human nature has a tendency to follow the line of least resistance. However, just as in other areas we must protect society against its own weeknesses, so too we must prevent people from losing all they basically need as human beings and citizens from this common day of rest. Restraint and restriction are not sought for themselves but to promote the well-being of the populace.

9. In general, we favour the Green Paper's Option One. Province-wide legislation seems necessary to maintain uniformity and to avoid abuses. True, this option may demand more government spending to get the Sunday back into its proper perspective, but possibly this spending will level off as better patterns of purchasing and a fresh self-discipline emerge. At any rate, additional expenditures could be defended in view of the important gains for society as a whole.

   Naturally, we worry about the statement that Option One may not be constitutional. We must leave this to the legal experts to advise upon. We would hope that there could be some way of retaining the thrust of this option along with constitutionality.

10. Among other observations may we mention:

   (a) Any legislation should establish the right for those who must work on Sundays to have regular Sundays off for their own personal appreciation and use of the common day of rest, especially in terms of family and social solidarity.

   (b) The government should discourage corporations from doing work on Sunday that could be done just as easily and as well on other days.

   (c) We do not believe any special legislation is required for those who wish to work on Sundays and so are not forced to.

   (d) Penalties for first offenders should be moderate, but for repeaters should be severe enough to act as a deterrent. Otherwise the law will be flaunted by people more anxious about dollars than values.

11. We wish then to put an emphasis on human values so easily shunted aside in modern society. We believe that the common good so vulnerable today is at stake and needs protection through fresh legislation. To those who may disagree with our reasoning, we can only say that we regret not having unanimity in this regard. Concessions usually have to be made to accommodate the views of a minority. However, such accommodation cannot be allowed to undermine what the majority holds as indispensable for the good of society as a whole.

Part II - Uniform Store Hours

Introduction

With regard to uniform store hours for the Province of Ontario, we feel less competent in expressing an opinion. This issue seems to be somewhat complicated and demands a more immediate experience of the actual "shopkeeper's" world.

However, we still would like to offer some comments:

1. We would, beforehand, be in favour of legislation to regulate retail store hours throughout the Province for the following reasons:

   (a) To enable small businessmen to compete with large retail outlets in attracting customers.

   (b) To provide more regular and reasonable hours for retail employees.

   (c) To protect the interests of employees who do not want to work in the evenings or on Sundays.

   (d) For sound business economics one must be aware of the "law of diminishing returns". Continual extension of retail store hours necessitates more input of labour, goods, and utility cost. This expense will not likely be met by appreciably increased purchases. People are creatures of habit and they regulate their shopping periods to conform with other obligations and recreation patterns. Family income also sets a limit on the buyers' purchasing power, therefore in the economic long-run we believe that this would be a self-defeating endeavour.

   (e) Our industrial and technological society has advanced rapidly during the past century, through the efforts of government, legislation, and trade unions. A return to extended or unlimited retail sale store hours would be a retrograde step, in that the worker could be unduly exploited in the interest of the economy.

   (f) In the final analysis, we must remember that the goods produced, the work provided, and the benefits derived therefrom are for the betterment and enjoyment of the citizen, not merely a means of making money faster and of amassing fortunes for corporations or individuals.

2. We would also like to recommend that some kind of flexibility be introduced into what we are calling uniform store hours.

What we have in mind would be overall regulations specifying:

   (a) the actual spread of daily store-hours, say, from either 8 or 9 a.m. to 9 p.m.;

   (b) allowing stores to remain open only a maximum of 8 or 9 hours a day;

   (c) but allowing these hours to be chosen in the most advantageous way for an individual store, either in the morning and afternoon, or afternoon and evening, or morning and evening, with the result that stores could be open, say, from:

   - 8 a.m. to 5 p.m. (if 9 hours); or
   - 9 a.m. to 5 p.m. (if 8 hours); or
   - 9 a.m. to 6 p.m. (if 9 hours); or
   - 10 a.m. to 6 p.m. (if 8 hours); or
   - 9 a.m. to 1 p.m.) (if 8 hours); or
     5 p.m. to 9 p.m.)
   - 12 p.m. to 9 p.m. (if 9 hours).

   The people involved would be the best watch-dogs for any abuses here.

   (d) special allowance could also be made in the legislation for a 12-hour day, one or two days a week (perhaps a Thursday and a Friday), and for a set number of specified pre-Christmas shopping days; subject to agreement between employers and employees (regular or part-time).

Communication dated August 31, 1983, from Mr. Thomas M. Ross, Executive Director, Canadian Retail Hardware Association

Thank you for the opportunity afforded to myself and the Association I represent to provide our views as input to your review of the policy noted above on September 15, 1983.

The Canadian Retail Hardware Association is in total agreement with established City of Toronto policy which has denied applications for exemption under the tourist area provision of the Ontario Act since 1977. Our position results from the following observations and beliefs.

- Polls of our membership of over 900 retail hardware stores in Ontario have repeatedly shown over 95% in favour of Sundays and holidays free of retail activity.

- The competitive nature of retailing is such that competition sets the hours of operation. Retailers who wish to remain closed on Sundays and holidays feel compelled to open if competitors open on those days.

- The granting of "Tourist Area" exemptions creates legal competitive advantages for those retailers covered by the By-law. With our mobile population, no area is isolated enough that its retailers do not directly compete with those in other areas. Equally, with retailers carrying broad inventories, no single class of trade could be exempted without competitive inequities to some other retailers.

- When individual or groups of retailers request exemptions from the law, they really ask for the competitive advantage of being able to open when their competition is closed. If it were otherwise; if those retailers simply wanted the right for all retailers to remain open, they would instead petition the Ontario Government to withdraw the Act.

- The sale of such tourist related items as handicrafts, souvenirs, gasoline, meals and so forth, is allowed by the Act without municipal exemptions.

- The touristic appeal of a region or city is based on much more important factors than whether or not a broad variety of stores are open every day of every week. Indeed, the City of Toronto lifestyle which includes the recreational enjoyment of Sundays and holidays by its citizens could well be one of the most important factors drawing tourists to Toronto from Buffalo or Detroit. It is an essential element of our "difference".

We would strongly urge the Executive Committee of City Council to recommend that Council reaffirm its previous policy in respect to the refusal to grant exemptions. The Retail Business Holidays Act has been considered an "emancipation act" for the small retailer; his protection from the need to devote every day to his business. Any actions which weaken the protection afforded by the Act, would not be supported by our members.

Communication from the United Food and Commercial Workers, Ontario Retail Council

Why should the trade union movement take such an interest in the Sunday shopping debate? More importantly, why should organized labour support Sunday and holiday retail closing? After all, open Sunday shopping might actually help workers. It could help make their social lives more flexible by allowing two full days per week, rather than just one, to discharge their responsibilities to the Gross National Product. Moreover the increased energy which must necessarily be invested in additional marketing time might also create more jobs. An outside observor of the Sunday shopping debate might reasonably ask why unions don't support open Sundays as consistent with their traditional goals of increased leisure time and employment.

The answer is straightforward: open Sunday shopping creates neither more jobs nor more leisure time. Furthermore it interferes seriously with the family lives of retail workers, who make up a significant portion of the labour force. Accordingly the labour movement has always recorded its support for a legislated common day of rest and will continue to do so.

No additional jobs

Why doesn't open Sunday shopping create more employment? Because there is no economic justification for it. Merely having 14.3% more hours in which to shop does not magically increase the amount of money in consumers' pockets. True, they may rearrange their spending patterns in response to new opportunities. For example, open Sunday shopping in Toronto would undoubtedly lure more consumers to the region's retail "nodes", such as the large shopping malls. But this shift would be at the expense of the smaller, neighbourhood-based stores, who may not now be able to compete on price or selection, but can on convenience. With more time to shop, convenience of location is less of a draw. More customers for the Eaton Centre means fewer for the merchants along the Danforth. And since jobs follow the money, open Sunday shopping may cause a geographical shift in employment but there would be no overall increase.

This claim is not simply idel speculation. When the Retail Business Holidays Act came into force in 1976 and caused most stores to close on Sundays, there was no detectable loss of employment.

Even additional sales on Sunday does not necessarily translate into additional jobs. Retail managers are just as concerned with improving productivity as their industrial counterparts, and the temptation to stretch a six-day-per-week staff to cover seven days would only be natural. This can often be easily achieved througfh creative rescheduling and increasing the workload. Perhaps some part-timers (and over 70%of all retail employees have only part-time status) may get additional hours of work, but there would surely be no point to hiring new staff when you already employ people who know your stock, prices and procedures and would be grateful for the extra hours for work.

"Aha!" the astute businessman might claim. "There's Labour again, holding up improvements in productivity. Open Sunday shopping makes economic sense because it will allow the efficient stores to make more productive use of their resources and will weed out the inefficient". However, this process has already been taking place for the last few years anyway, the record number of retail bankruptcies serving as grim testimony.

In the retail food industry, for example, productivity improvements throughout the 1970's were dramatic, due to more experienced personnel, new technology and the expansion of store hours. This last factor is important to the Sunday shopping debate. In most Ontario population centres there is no lack of night shopping opportunities available to working people. Indeed, the 24-hour supermarket is fact becoming the norm rather than the exception. Even without Sundays, consumers have much more time in which to shop than they did ten years ago. No need for additional shopping time has been demonstrated.

More or less leisure time?

What about leisure time and social flexibility? Here again a rearrangement of activity might create the illusion of a net benefit. If I do my shopping on Sunday instead of Saturday, have I gained any time in which to pursue other activities? Of course not. I may even end up with less.

Can Parkinson's Law that "Work expands to fill the time available" be restated as "Shopping activity expands in proportion to store hours"? If so, open Sundays may actually, though imperceptibly, decrease leisure time.

A few municipal politicians have tacitly admitted this by advancing the argument that some families regard shopping as "entertainment". And since people can purchase entertainment in the form of theatre, film, museums, amusement parks, etc., why can't they entertain themselves by browsing through shopping centres and car lots?

But for most families struggling to make ends meet, particularly those who must constantly remind their children that "We can't afford it", shopping is a stressful activity and can often result in intense family conflict.

Quality of family life

It is the family that we return to as the reason for labour's support of a common day of rest. Most union members are, of course, also family men and women. Inflation, employment and rapid social change have stretched the social fabric so tautly that its fibres are unravelling and breaking more easily than ever. Sending mother to work as a cashier all weekend will not likely improve communication in the home. Nor will prowling the aisles of Eaton's, either individually or as a family unit. Nor will the children who live and play on the streets adjacent to commercial districts appreciate the dangers and interruptions of constant traffic on Sundays.

What social benefits, then, flow from seven day a week marketing? On what grounds can we justify putting all those retail employees, who already give up half their weekend, when the rest of their family is free, to work on Sunday?

Open Sunday shopping will not increase employment, add to leisure time or strengthen family bonds. The experiment in minimal regulation of shopping hours, begun with the passage of the Retail Business Holidays Act, 1976, has been a successful balancing of commercial and social interests and should be continued. It may not satisfy those businesses that feel they could grab a larger share of the consumers' dollar on Sunday than their competitors, but the net economic benefit to society would be zero, at best. Furthermore all available polls indicate widespread public support for a legislated common day of rest.

Let's get on with more important social and economic concerns and put this debate to rest once and for all.

Communication dated September 8, 1983, from J. S. Toma,
President, Dominion Stores Limited

I would like to take this opportunity to express the position of Dominion Stores Limited on the matter of Sunday store openings.

Proponents of Sunday openings argue that additional sales are achieved and more jobs created when retail stores cater to the public on Sunday.

This is just not so!

What does happen, in fact, is that purchasing habits alter somewhat, but sales activity does not increase significantly. Nor are additional employees hired; rather, work schedules are adjusted to compensate for the extra day.

Dominion Stores has had experience with Sunday openings in the past due to the actions of small retail food stores in this highly competitive industry. We hope they are, and remain, memories of the past.

As you, the Councillors of the City of Toronto, struggle with this issue on September the 15th, I urge you on behalf of our Company and our employees to maintain current by-laws dealing with Sunday store openings and deal with violators sternly.

Communication dated September 9, 1983, from Mr. A. J. Faas,
Vice President Human Resources, Loblaws

Attached please find a brief submitted by me on behalf of the Ontario Committee for the Regulation of Sunday and Holiday Retailing, to the Executive Committee of the Toronto City Council on February 4th, 1981, when the Executive of City Council had before them an application to provide for Tourist exemptions.

Now that this issue is again before the Executive, we wish to re-iterate our position and concern that a further designation of Tourist areas will lead to uncontrolled Sunday Openings as outlined in the attached brief.

Already there are some indications that this will occur as reported by the Toronto Star on Thursday, September 8th, 1983.

We therefore respectfully suggest that no further by-laws be enacted, giving Tourist exemption privileges.

Presentation to the Executive of the Toronto City Council by The Ontario Committee for Regulation of Sunday and Holiday Retailing

The purpose of this presentation is to set forth the opinions and recommendations of the Ontario Committee for Regulation of Sunday and Holiday Retailing.

This Committee is made up of concerned citizens and groups who came together spontaneously in early 1980 over their individual concerns with respect to "The Retail Business Holidays Act, 1975". Their interests cover virtually every segment of society and do express responsible views on this legislation. The organizations represented on the Committee, as you can see on the list provided, include numerous national unions, retail chains, national trade associations and various christian denominations.

The aims and objectives of our committee is for the preservation of Sundays and holidays free of the pressures of business activity and make recommendations which not only support the current legislation but, where necessary, institute required action to gain compliance.

We believe that the vast majority support these views. This is evidenced by a recent survey conducted by the C.B.C. on its Marketplace program, where only 14% of its respondents indicated that they did not want Sunday restrictions with an overwhelming 86% opposing Sunday retailing.

There always had been and always will be opportunists who are prepared to violate or look for loopholes in legislation for position or personal gain. In a democratic society, however, the wishes of the majority should be respected.

In the event it is decided to designate the proposed area as a tourist exemption, we feel this will establish a very dangerous precedent for uncontrolled Sunday openings with demands from retail organizations adjacent to the proposed area to open on Sunday as well, to remain competitive. Once they receive similar consideration, it will not and cannot be controlled. For example, if Eaton's are permitted to open on one side of Queen Street, Simpson's on the other side of Queen Street will be at a distinct competitive disadvantage and if Simpson's are permitted to remain open for competitive reasons, The Bay on Bloor Street will make a similar valid argument and so on and so on.

To add to this, it is likely that merchants from other areas of Metro will demand the same privileges and considerations and claim tourist trade as the reason, i.e., merchants with hotels or motels near their place of business, merchants in high tourist traffic areas such as the Ontario Science Centre and shopping centres on major highway routes.

In declaring the intention of the existing legislation, The Honourable Roy R. McMurtry, Solicitor General, went on record to say that exceptions may be made "by Municipal Councils on the assumption that Councils would fairly and reasonably interpret the provision and Act in a responsible manner".

In considering the request of the exemption, we respectfully suggest that the Executive of the Toronto City Council apply the test implied by the Attorney General and in doing so, give fair weight to considerations such as the quality of life and effect that Sunday work would have on families whose mebers work in the retail industry, the additional cost of operating which will be passed on to the consumer and the very distinct possibility of uncontrolled Sunday opening as described earlier. Most importantly, however, the public interest must be evaluated. This Committee, which represents many thousands of members or employees in the City of Toronto, believe that the public wants a Sunday free of shopping. Again, this is substantiated by the C.B.C. Marketplace program referred to earlier.

We therefore strongly recommend that no further by-laws be enacted, giving a tourist exemption privilege until at least there is overwhelming evidence that it is in the best public interest.

Communication dated July 26, 1983, from Mr. J. H. Harvey, President, ABC Residents' Association

Regarding the above subject, the ABC Residents Association wishes to express its strongest opposition to any efforts to obtain permission for Sunday opening for businesses in the Yorkville area, by designating the area a "tourist attraction".

The residents of this area have to put up with considerable erosion of their right to "quiet enjoyment" of their homes as it is, through noise, traffic etc. and request that the respite presently enjoyed on Sundays, not be eliminated.

Communication dated September 1, 1983, from Ms. Jean O'Grady

I should like to express a point of view on Sunday openings in general. It is often claimed (e.g. by the Globe and Mail) that stores are closed on Sundays only because a powerful Christian lobby wants to encourage Church-going. Yet I believe that there are many people who, like myself, do not support this lobby yet oppose Sunday openings.

There is a strong case to be made for one day in which commercialism does not dominate, and an acquisitive society stops its buying and selling and enjoys some quiet. It is not enough to say that those who do not wish to shop need not do so even if stores are open: not only will store employees be under pressure to work, but also those many people who live near stores, parking lots, busy roads, etc., will be disturbed by commercial traffic if stores are not generally closed. The day chosen need not be Sunday if Council is afraid of appearing to give a nod to Christianity, yet it seems reasonable to me to respect our established traditions in this matter.

As for granting exceptions for tourist areas, I think this should be done only for souvenir stores and the like. Many of the stores at Queen's Quay, for instance, appear to be selling regular goods such as clothes and kitchen utensils; why should tourists (the majority, surely, from Toronto and region) need to buy these on Sunday? I hope you will be stringent in your criteria.

Communication dated September 15, 1983, from Ms. C. M. Barrick

Hereby I would like to register my support of The Retail Business Holiday Act which controls Sunday store openings.

If Sunday becomes a day like the rest will members of City Council be willing to open up City Hall for regular business purposes including business as usual for Council members? That would serve the public.

We need a change of pace and an opportunity to participate in activities other than those demanded of us by our jobs and competitive commercial interests.

As for the changing population and cultural pattern of our city, let us not forget that the multitude of immigrants who came to this country chose to leave their homelands for reasons of unhappiness or despair with their situations - social, political, or economic. They chose Canada for what it had to offer. Let us continue to offer them the good things we have struggled to achieve including a common pause day in the week, free from the pressures that business activity generates.

Communication dated September 11, 1983, from Ms. J. Vanderwagen

For those who live near the uncovered portions of the Yonge subway line, a 'day of pause' has very real meaning. On every other day but Sunday we are awakened at 6:00 a.m. by the roar of subway trains preparing for their first runs. On Sunday we can bask in those few extra hours of

peace until the trains start rolling at 9:00 a.m. And, even then, the atmosphere is quieter because the trains run less frequently.

There is a tangible decrease in the hum of the 'urban machine' on Sunday, and this day of peace in which to restore our frazzled nerves is an absolute necessity for city dwellers.

If a major centre like Eatons' were to open on Sundays, the TTC would be pressured to expand its subway operations to accommodate hoardes of workers and suburban shoppers and the effect would be exponential.

The second reason for defending our Sunday closing laws is to protect retail workers. There is no doubt that a decision taken by management will force salespeople to comply — denying them the only sure opportunity to be with their families or to enjoy recreational or worship opportunities.

From my own observations in the United States, the effect of wide-open Sundays is not good. On one Memorial Day holiday for example, I asked some Safeway employees what they thought about being open. One replied, "Memorial Day isn't a holiday at Safeway. We don't even get paid overtime. I try not to think about it."

Toronto's greatest appeal to tourists lies in its reputation as a city with a 'human face.' Its healthy downtown communities, lively street life and sense of safety are the cumulative product of policies that put people first. Tourists and retailers alike benefit from the result and that they should have to refrain from buying and selling one day a week in order to help maintain this health urban community is asking little.

Perhaps we could suggest that the people who are pushing for the abolition of our Sundays are in fact "pro-communist". Aren't they, after all, saying that materialism is the only thing that is important - more important than tradition and family values.

Communication from John S. Mercer

As a customer of The Eaton Centre and Simpson's, I am strongly opposed to their request for Sunday openings.

I believe that we should retain Sunday as The Lord's Day, a day for the faithful to attend Divine Service, and for everyone to spend time with their family.

The Province has turned down recent requests for more wide spread Sunday openings, and I feel that City Council should do the same.

The Eaton Centre and Simpson's have six days to do business, let us continue to observe The Lord's Day, as we have done throughout our history, as a Province and as a City.

Further communication dated September 8, 1983, from John S. Mercer, addressed to Mayor Eggleton

As a customer of the Eaton's Centre and Simpsons, ! am strongly opposed to their request for Sunday openings.

I believe that Sunday, The Lord's Day, should ramain a day for the faithful to attend Divine Service. It is a day when everyone can spend the day with their family.

If Eaton's Centre and Simpsons are allowed to open on Sunday, then why not other stores and shopping malls throughout Toronto?

Surely visitors to our great city can view and shop at the Eaton's Centre Monday to Saturday, there are many other attractions for them to enjoy throughout Toronto, not the least is attendance at Divine Service.

In spite of the fact that we are now a multi-cultural city, let us not lose our reverence for The Lord's Day, to the glory of the almighty dollar.

Sunday, as a day of worship and rest, has been handed down to us through our history as a city, and a province.

Communication dated September 10, 1983, from Mr. Ian Gentles

I am writing because of my concern about the request from the Eaton Centre to have Sunday opening. If this request is granted, it seems to me that it will be impossible to resist similar requests from any other merchants in the City. I think that the request should be refused, and the trend to more Sunday openings reversed.

Six days a week for buying and selling seems to me quite enough. There are other values that should be fostered in our society. A quiet Sunday not only permits people time for worship, meditation, recreation and thought, it also provides one day when families can be together. I think that all these things together far outweigh the advantages of having stores open seven days a week. It is interesting that only a few months ago in Britain a motion for Sunday opening was heavily defeated in the House of Commons in a free vote.

I hope that you will exercise leadership on this issue.

Communication dated September 12, 1983, from J. I. McLean

I hope that City Council will not give approval to increased commercialization of Sunday.

If Eaton's and Simpsons and other stores are allowed to open for business on Sunday, it will mean seven days of noise and heavy traffic in the areas concerned. It will also deprive employees of the privilege of having Sunday off work.

Sunday should be maintained as a day that offers opportunity for family enjoyment and for rest from the noise of the rest of the week.

Communication dated September 9, 1983, from Ray Wolf Associates Incorporated

Being involved in the operation of two shopping centres, one at Yonge and Bloor, the other at North York, I am quite concerned about the intention on part of several shopping centres and, in particular, the Eaton Centre with regards to opening on Sundays.

Ethically, I believe that there should be one day a week when most businesses are required to be closed so that employees can have a relaxing day with their families. Philosophically, I think that one day a week "public holiday" helps calm the mind insofar as providing the general public with a break from the day-to-day rat race. Practically, I feel that stores opening on Sunday are taking unfair advantage of those who are unable to do so.

It is my belief that within the City of Toronto there is only so much disposable income and if "privileged" business are able to relieve the public of that portion of their income on Sunday, then it will only leave that much less for those who must conduct business on a 6-day basis.

With particular regards to the Eaton Centre I feel that their only intention for opening on Sundays is to grasp a greater portion of the market share.

As stated previously, one of the shopping centres I am involved with is at the corner of Yonge and Bloor which, in my opinion, is just as much a tourist attraction as Yonge and Queen by way of the physical presence of hotels, movie theatres, Film Festival, etc. As such is the case, if the

Eaton Centre is permitted to open, I will be filing an application for Cumberland Terrace in order not to lose a valuable piece of revenue that should be available to the merchants of the shopping centre.

I would not like to resort to the position taken in the last paragraph and therefore sincerely hope that you will point out to the developers involved that they themselves should take the responsibility for developing projects that must rely on doing business on a day that they were not by law able to do so.

Surely their market studies prior to their implementing retail facilities should have indicated to them that a normal work week business exposure was not sufficient for the viability of their perspective tenants.

Trusting you will give points of my letter some consideration, I remain,

Communication dated September 12, 1983, from L. Sneiling

I would like to voice my strong disapproval of any shopping being allowed on Sunday.

The greatest poverty of our time is the poverty of the spirit - "Luxury, more destructive than war...".

Initially, our Creator knew that people needed a day of complete change and rest - the Sabbath was made for man - for physical, mental rest and for time to think and evaluate the intrinsic values and beliefs that make life really worthwhile for "man does not live by bread alone."

Tourists do not need to shop on Sunday. I have travelled extensively and other countries adhere to their beliefs and standards, or don't we have any more except dollars and cents.

Communication dated September 12, 1983, from Mr. Wm. Devine, the Steering Committee, Committee of Progressive Electors

The September 11, 1983, general meeting of the Committee of Progressive Electors (COPE) adopted the following resolution:

> "That COPE supports the position taken by the Labour Council of Metropolitan Toronto on Sunday openings."

Would you be good enough to circulate this letter to all Members of Toronto City Council.

Communication dated September 14, 1983, from Mr. Rodney H. Smith, President, Toronto District Jewellers Association

The Board of Directors of the Toronto District Jewellers Association approved a motion today, on behalf of its membership, opposing any further retail stores opening on Sundays by City Council.

It is felt that allowing further retail store openings on Sundays would jeopardize the business of independent jewellers and would put a further strain on staffing their stores.

We do hope that this resolution by our organization would be taken into consideration during your Executive meeting of City Council tomorrow.

Communication dated September 12, 1983, from Grace A. and Helen B. Moses addressed to Mayor Eggleton

We just can't tell you how distressed we are with the idea of keeping department stores open in our City on Sundays.

We are "fourth generation" taxpayers in the City of Toronto and cannot believe that our City could fall to the level of having a wide-open Sunday.

Surely we do not have to do this to keep our City and Province from falling financially apart.

We mention this because the paper says the ones in favour of Sunday opening say our Treasury would benefit from the amount of sales tax received. Don't you agree that this is not the answer to the problem?

We remember that for a time Eaton's store was closed on Saturdays in the summer. Sir John Eaton said his father, Mr. Timothy Eaton, Founder, had hoped to be able to allow his employees time to prepare for the Sabbath. We know many things have changed, but Mr. Timothy Eaton would not be pleased to have his stores open on Sunday.

Sunday business will not help our economy - result will be higher prices and more than ever - children left alone - no one at home and we all know there is far too much of that as it is now.

We do implore you, Mr. Eggleton, to do your utmost to keep our Sundays - as the Bible says - "A day of rest".

We wish to help you and congratulate you for the work you are doing in your position as Mayor of the most wonderful City in the world.

We feel that we must not forget that God has greatly favoured our lovely and wonderful country.

Communication dated September 15, 1983, from Mr. Edward M. Ballon, Vice-President, Retail Operations, Henry Birks & Sons Limited

May I first express appreciation for the opportunity extended to our Company, Henry Birks & Sons Limited, to express our point of view regarding Sunday store openings.

As you are aware, Birks has operations throughout Canada, but our biggest trading area is Toronto, and it is also the area where we have the largest number of store personnel. We have 129 employees in The Eaton Centre alone.

As different members of the community, including visitors, have differing needs and requirements, inevitably the companies and organizations which service them will have differing objectives. While my comments relate specifically to Birks, and our employees, we suggest that our situation is similar to that of the vast majority of specialty shops serving the public.

We, of course, recognize the desirability of Sunday service to accommodate emergency requirements such as provided by drug stores; or the special needs of tourists such as food and beverage service, entertainment, local mementos, etc. However we believe that for specialty shops such as Birks, Sunday retailing would represent an excess of store hours.

It is our experience that too many night openings bring us little or no extra business. They serve rather to transfer business from other days and evenings at very high cost. Naturally, the Christmas season is an exception.

While the Company results would be adversely affected, we are even more concerned about the impact on our employees, who are almost unanimous in their opposition to Sunday openings. This is due to a variety of factors, mostly related to contact with family and friends, recreation, and religious beliefs.

In the City of Toronto where all of our stores are in shopping centres, we are forced to be open five or six nights a week in every case but two. In practically every case these night openings

require our staff to work two nights a week, and Sunday openings would merely aggravate this situation.

Our staff at The Eaton Centre, where we have our largest store in Toronto, is particularly anxious and concerned, as a high proportion live far further from their place of work than do our staff members in the suburban shopping centres. Our employees respect the interests of their fellow citizens, but it is their contention that The Eaton Centre is already open six days and five nights a week for shopping, and that visitors who may wish to admire its attractive architecture on Sundays, will rarely wish to shop at the same time.

I attach for your Worship and your colleagues of the Council a survey conducted in some of our Toronto stores during the past week, asking opinions of our staff regarding Sunday openings. You will note that of 180 people contacted, 176 expressed themselves against Sunday openings, 2 were in favour and 2 abstained.

May I point out the special impact your decision will have on organizations such as ours. We operate in splendid shopping centres throughout the City, and almost always with splendid relationships with the developers, but the determination of store hours in any shopping centre is entirely dictated by the developer, and in some cases the department stores. The developers are concerned principally with extra sales, as in almost all cases tenants pay their rent on the basis of a percentage of sales, and any extra costs incurred due to extra hours are passed on to the tenants. Developers are then less concerned about the staff involved.

From our standpoint, the extra sales from Sunday openings would be minimal, the extra costs substantial, and the staff opposition distressing and damaging. Nevertheless, we would be obliged to remain open as shopping centre landlords have complete control over store hours and do not permit latitutde by individual tenants.

An excess of store hours has already caused problems and aggravation in shopping centres throughout Canada. Indeed in the handsome Oxford Development in Edmonton, night shopping hours were reduced from three nights to two last year. Sundays in our U.S. stores have been disastrous.

May I again thank you for the courtesies extended to Birks and its employees.

(The petition referred to is on file in the City Clerk's Department).

Statement dated September 15, 1983, by Michael Cassidy, MPP, Financial and Commercial Critic, Ontario NDP Caucus

This evening I will be appearing before the Toronto Executive Committee in order to oppose the applications by the Eaton Centre, Eaton's, Simpsons, and other retailers to make Sunday a shopping day like every other day of the week.

More than any other reason, I am opposed to this application because it will very quickly lead to the commercialization of Sunday and therefore to its end as a holiday every week that most members of the public can enjoy. I think that the workers in retail businesses need that kind of a holiday, but I think that all of us, both as individuals and as a society, need one day a week to recharge our batteries free from the kinds of commercial pressures which surround us most of the time.

There is no compelling reason to accept the applications from the retailers who have come to Council except the desire to make every transaction and every relationship in Ontario one that is based on cash and on profits.

I think that City Council should be aware that if the applications now before it are accepted, a precedent will be set which will inevitably lead to the opening of every major shopping facility in Toronto on Sundays. If a department store and the hundreds of retail outlets in the Eaton Centre are to be considered essential to the tourist industry and therefore allowed to stay open on Sunday, every retailer in Toronto can make the same case under the Province's Retail Business Holidays Act.

Let me outline my objections in detail.

1. Although this is a very secular Province, a lot of people in Ontario still consider Sunday to be a special day for religious reasons. Their feelings and beliefs certainly deserve consideration.

2. It is already difficult for retail workers to maintain a normal social and home life when stores in places like the Eaton Centre are already open for close to 70 hours a week. Sunday is the one day in the week when store workers and store managers are guaranteed time off. Unless there is compelling need, this respite should not be taken away from them.

3. There is no evidence that increased store hours increase the amount that people actually spend on retail goods and services. Therefore acceptance of the Eaton Centre application (and the subsequent opening of many other major shopping centres on Sundays) would do one of two things. If there was no overall increase in the Eaton Centre's business as a consequence, then the available business would have to be spread over 75 hours of opening rather than 68. The costs of doing business for more hours would go up and these costs would inevitably be passed on to the customers. The alternative is that business would increase by a process of displacement. Once other shopping centres also open on Sunday, the displacement would come from the small businesses and the retailers in places like St. Clair Avenue West, Bloor Street West, the Danforth, and Yonge Street, north of Eglinton. Many of the firms in these areas are owner-operated and there is no way that a sole proprietor can stand the stress of staying open seven days a week. What would happen, in other words, would be that the Eaton Centre's gain on Sundays would be achieved at the expense of forcing small retailers and owner-operators in the rest of the Toronto region to cut back staff or to go out of business.

4. The claims that 32,000 jobs would be created by means of Sunday opening of major centres like the Eaton Centre are phony. As I have just pointed out, jobs created at the Eaton Centre would be balanced by jobs lost in other sectors of the retail market. The only new jobs that might flow from this venture would be if there was a sharp increase in retail purchases by tourists coming to Toronto from the United States or abroad and able to shop only on Sunday. When you put it that way, the claim just simply defies belief. Large numbers of the tourists we're talking about are attending conventions in Toronto that go on for several days during the week, and have ample opportunity to take an hour or two off to go and shop. For people visiting Toronto for a day or two, there is a tremendous variety of diversions and things to do on Sunday, as well as ample means to spend their money, without having to commercialize Sunday the way that the big interests are proposing now.

   It has been years since we rolled up the sidewalks on Sunday in Toronto. We have reached a happy compromise where this city has got a holiday flavour on Sunday every week of the year, a flavour which is attractive and positive for the people who live here, as for our visitors. In the name of the Ontario NDP, I ask City Council to reject the pressures of commercialization and to turn down these applications for Sunday openings.

Communication dated September 11, 1983,
from E. Henschel, Pastor, Church of God

We, the undersigned, wish to express our opposition to Sunday opening of the Eaton Centre.

Sunday should not be used for commerce, but should rather be preserved as a day for renewal and strengthening of spiritual values which have made Canada so unique in the past.

(The petition referred to is on file in the City Clerk's Department).

Communication dated September 7, 1983, from Mr. Denis Prinold, Trustee, Rexdale United Church

I am an employee employed by one of the Rest employers.

I am strongly opposed to the 7 day week concept of shopping, as in various countries. Personally I would hate to see the the day of rest disappear from Canada, our heritage has always been based on Sunday as a day of rest and worship, and if an argument is made that we now change, because we are more "multicultural" a misused and incorrect word used to justify change to our many beloved customs and traditions I would disagree.

We have always been a mixed country - the more settlers we had the more mixed we became. Yet our christian heritage makes us the envy of the world.

As a trade unionist I want workers the world over to share with me a hard fought for and maintained day of rest for family life. Naturally as an elder of my church, I would want Sunday to be maintained so families can go to church. Statistics show church families are happier, more stable and active in the community. I still like to see the family out on Sunday together and not lose the special day. It's no good mom or dad being home one day in the week when the kids are in school.

Sunday being another day will not mean more money will be spent. People spend the maximum in most cases in Canada in less than six days. What will happen is that costs will increase (estimated food bill increase 3% to 5%). So it will cost society more to enjoy less leisure and family time. A poor argument to change our way of life to suit a small business group. The many store workers I know not only want to maintain the present six day week but feel the five day week should be the ideal.

Where as in the U.S.A., we have the open concept and everyone can do their own thing the quality of life has deteriorated, not improved, and I for one would be loath to see us follow a downward trend just for the sake of money. We pride ourselves in Toronto being a safe happy city. Let's keep it that way.

It has become clear the aim is to open all stores. This is a start of an attack affecting all of our lives. It is not really just tourist designated areas. The Province started the rot by opening the door as it did in lowering the drinking age. Look at what happened, the congregation supported me and would have come but I felt my appearance was sufficient.

Thomas Moore in the 1500's stated that money and the private ownership of land were two of life's biggest curses. Money and ownership creates people only interested in their own selfish need, not that of the community or the society. How much and yet how litle things change.

What should matter most is people, not money.

Communication dated September 13, 1983, from Alderman Gilbert

I cannot attend your special meeting on the above topic on September 15. The purpose of this letter is to urge you to resist recommending designation of additional tourist areas at this time.

Instead I suggest that you request City Council to seek changes in provincial legislation that would provide for the following:

1. Preservation of Sunday as a distinctive day on which commerce is restrained.

2. Unrestricted operation of retail facilities that depend on Sunday business.

3. Protection of retail workers from the undue exploitation involved in unwelcome requirements to work seven days a week that can be easily imposed when a store is open seven days a week.

The kind of legislation I have in mind would permit a store within Toronto that is presently required to close on Sunday to remain open provided it closed for the equivalent hours on two other days of the week.

This is how it would work: A store that wanted to be open on Sundays between, say, 1 p.m. and 6 p.m. would be granted a licence that would have just one, very important condition. The condition would be that the store would have to close on two other days each week between 1 p.m. and 6 p.m.

The likely effect of such legislation would be to discourage stores whose trade does not depend on Sunday opening, while leaving weekend-oriented stores free to open on Sunday without penalty.

Provincial legislation that permitted the City to regulate Sunday opening in this manner could go a long way towards striking a desirable balance between preserving Sunday as a different day, protecting retail workers, and meeting the legitimate desires of large numbers of residents and visitors to shop on Sunday.

Recommendation: That the City Solicitor be requested to seek private legislation that would permit City Council to license stores for Sunday opening, along the lines of the proposal set out above.

The Executive Committee advises that at its meeting on May 30, 1983, City Council adopted the following Resolution:

Alderman O'Donohue, seconded by Alderman Beavis, moved that whereas the Metropolitan Legislation and Licensing Committee has requested Metropolitan Chairman Paul Godfrey to meet with the appropriate Provincial Ministers to solicit their help for a trial period of retail store openings on Sunday afternoons during the summer in 1984; and whereas the City of Toronto will be most affected should Sunday openings occur due to the concentration of retail stores and shopping facilities in the City of Toronto; and whereas such trial opening will undoubtedly lead to the extension of the six day work week which we presently enjoy, to a seven day work week; and whereas the negative impact of such Sunday openings would far outweigh any benefits; therefore be it resolved that the Council of the City of Toronto inform the Provincial Government that it is opposed to any amendments to legislation that would permit such opening of retail stores on Sundays.

The Executive Committee now submits for Council's information, the communication (July 6, 1983) from Mr. George W. Taylor, Q.C., Solicitor General:

Your letter of June 1 addressed to the Honourable William G. Davis, Premier, regarding Sunday store openings was referred to me for my consideration.

I met with Chairman Paul Godfrey and Mayor Mel Lastman on June 16th to discuss the proposed trial project in some detail. I indicated to them that the purposes and requirements of the legislation appear to have a strong basis of public support and that I did not see much likelihood of amending the legislation to authorize the requested openings. Although arguments can be made on both sides of the issue, I feel that it is beneficial to have a uniform rule restricting, for the most part, commercial activity to six days during the week. The legislation already contains a number of exemptions so that hardship and inconvenience to the public and retailers may be avoided.

Copies of the following by-laws of the Municipality of the Metropolitan Toronto with respect to The Retail Business Holidays Act have been forwarded under separate cover to Members of City Council for information:

BY-LAW No. 166-76, a By-law to exclude certain classes of retail businesses from the application of The Retail Business Holidays Act. (Passed September 10, 1976)

BY-LAW No. 124-77, a By-law to exclude certain tobacco, gift and souvenir shops in hotels from the application of The Retail Business Holidays Act. (Passed June 28, 1977).

BY-LAW No. 125-77, a By-law to exclude certain classes of businesses in Chinatown West from the application of The Retail Business Holidays Act. (Passed June 28, 1977)

BY-LAW No. 126-77, a By-law to exclude certain tobacco, gift and souvenir shops in the CN Tower from the application of The Retail Business Holidays Act. (Passed June 28, 1977)

BY-LAW No. 138-77, a By-law to amend By-law No. 125-77 respecting the exclusion of certain classes of businesses in Chinatown West from the application of The Retail Business Holidays Act. (Passed July 26, 1977).

The following individuals addressed the Executive Committee in support of their application for exemption under The Retail Business Holidays Act:

- *Howard Cohen, Harbourfront Corp.*
- *Jeff Lyons, Solicitor, on behalf of Harbourfront Corporation. (Petition on file)*
- *Jim Bullock, President, Cadillac Fairview Shopping Centres for The Eaton Centre*
- *Tom Creed, President, Yonge-Bay-Bloor Association*
- *Marianne Heller, Vintage Furs, 39a Charles Street West*
- *Mitchell Gold, Board of Directors, Village of Yorkville Association*
- *Norman Smith, Beaches Business Association*
- *Paul Magder, Manager-President, Paul Magder Furs*
- *Bhupendra Dhabliwalla, Chairman, Gerrard India Bazaar Business Improvement Area Association*
- *Susann Shessel, President, Rent A Boxx Moving Systems Inc., Queen's Quay Terminal*
- *Fred McGarry, on behalf of Tennis Lady, Queen's Quay Terminal. (Petition on file)*
- *Mary Sutherland, Lovecraft, Village of Yorkville*
- *Ray R. Wismer, President, Touch the Sky Inc., Queen's Quay*

The following individuals addressed the Executive Committee in support of exemptions under and/or amendments to The Retail Business Holidays Act:

- *Bill Duron, President, Metropolitan Toronto Convention & Visitors' Association*
- *Blair Cockhill, Society of the Golden Keys of Canada*
- *Paul Tuz, President, Better Business Bureau*
- *Mark Tigh, St. George Provincial Liberal Riding*
- *Arthur Salvatore*

Representations were also heard from the following individuals in opposition to exemptions under and/or amendments to The Retail Business Holidays Act:

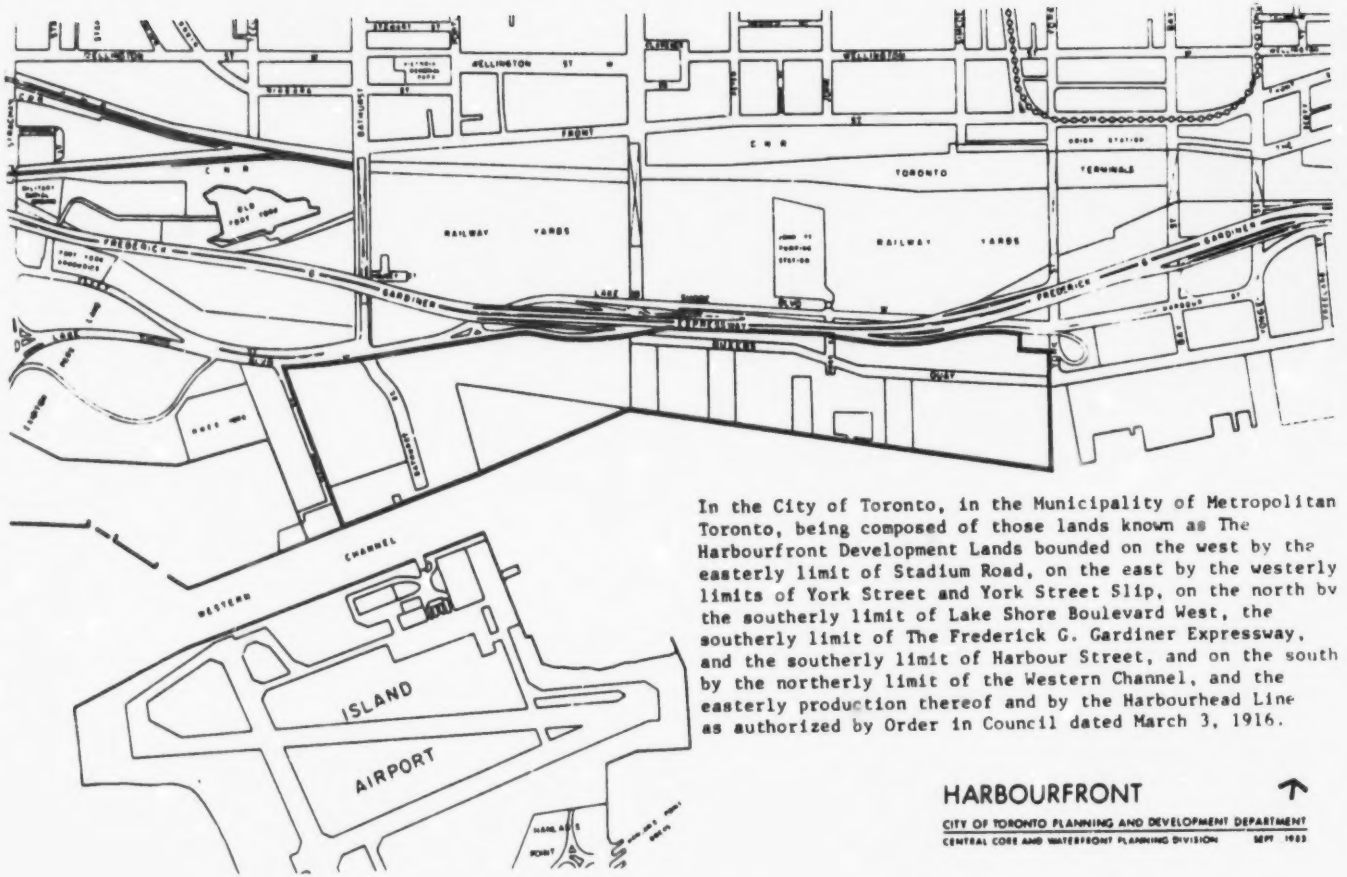
- *E. M. Ballon, Vice President of Retail Operations, Henry Birks & Sons Limited*
- *Les Kingdon, Ontario Committee for the Regulation of Sunday and Holiday Retailing, People for Sunday Association*
- *Reverend Hudson T. Hilsden, Co-Ordinator of Special Concerns and Public Relations, Pentecostal Assemblies of Canada*
- *Stew Newton, Positive Parents*
- *Denis Prinold, Rexdale United Church*
- *Wally Majerky, Metropolitan Toronto Labour Council*
- *Denis Sexton, United Food & Commercial Workers*
- *Bill Reno, United Food & Commercial Workers*
- *Dan Gilbert, United Food & Commercial Workers,*
- *Gordon Redford, Past President, Ontario Retail Council.*
- *Michael Cassidy, M.P.P., New Democratic Party*
- *Max Seiden*
- *Martin Amber*

The Executive Committee advises that the following motion by Alderman Beavis was voted on and lost:

"That the submissions be referred to the Commissioner of Planning and Development for review and report on criteria for exemptions under Section 4 of The Retail Business Holidays Act."

The Executive Committee also advises that it has requested the Commissioner of Planning and Development to report on any restrictions on the size of retail establishments such as supermarkets or department stores that he feels should be included in the by-law recommended, for submission directly to City Council on October 3, 1983.

The Executive Committee recommends that Council recommend to the Council of the Municipality of Metropolitan Toronto that it pass a by-law pursuant to subsection 4(2) of The Retail Business Holidays Act to provide that Section 2 of the said Act does not apply to any class of retail business establishment in respect of the sale by retail of all goods and services on Sundays and other Holidays as defined in the aforesaid Act, with respect to the lands known as Harbourfront, in accordance with the attached Map and description.



In the City of Toronto, in the Municipality of Metropolitan Toronto, being composed of those lands known as The Harbourfront Development Lands bounded on the west by the easterly limit of Stadium Road, on the east by the westerly limits of York Street and York Street Slip, on the north by the southerly limit of Lake Shore Boulevard West, the southerly limit of The Frederick G. Gardiner Expressway, and the southerly limit of Harbour Street, and on the south by the northerly limit of the Western Channel, and the easterly production thereof and by the Harbourhead Line as authorized by Order in Council dated March 3, 1916.

HARBOURFRONT

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
CENTRAL CORE AND WATERFRONT PLANNING DIVISION SEPT 1983

The Executive Committee also recommends that the Commissioner of Planning and Development, in consultation with the Metropolitan Toronto Convention and Visitors Association, report to the Neighbourhoods Committee by January 31, 1984, on:

(a) the impact of tourism on the economy of the City;

(b) the location and special appeal of tourist areas within the City of Toronto; and

(c) the classification of and criteria for the development of tourist areas.

Respectfully submitted,

ARTHUR C. EGGLETON, (Mayor)
Chairman.

COMMITTEE ROOM,
Toronto, September 15, 1983.